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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 29 February 2012

# Journal des débats (Hansard)

Mercredi 29 février 2012

## Standing Committee on the Legislative Assembly

Organization

## Comité permanent de l'Assemblée législative

Organisation

Chair: Garfield Dunlop  
Clerk: Trevor Day

Président : Garfield Dunlop  
Greffier : Trevor Day



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Publié par l'Assemblée législative de l'Ontario

## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 29 February 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 29 février 2012

*The committee met at 1307 in room 228.*

## ELECTION OF CHAIR

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it is my duty to call upon you to elect a Chair. Are there any nominations? Mr. Clark.

**Mr. Steve Clark:** Thank you very much. I would like to nominate Garfield Dunlop for Chair.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Dunlop, do you accept the nomination?

**Mr. Garfield Dunlop:** I certainly would.

**The Clerk of the Committee (Mr. Trevor Day):** Are there any further nominations?

**Mrs. Donna H. Cansfield:** I would move that nominations be closed.

**The Clerk of the Committee (Mr. Trevor Day):** There being no further nominations, nominations are closed. Mr. Dunlop, would you please take the chair.

*Applause.*

**The Chair (Mr. Garfield Dunlop):** Thank you very much, ladies and gentlemen, for having confidence in me. I'll do my very best to be a good Chair of this committee.

## ELECTION OF VICE-CHAIR

**The Chair (Mr. Garfield Dunlop):** The first thing on the agenda is the election of a Vice-Chair of this committee. Do I have any nominations? Mr. Leal.

**Mr. Jeff Leal:** Well, thank you very much, Mr. Chair, and congratulations on your assumption to the chair. I know this committee will be moving forward in the not-too-distant future, and I'd just like to say, we'll move forward together.

At this time, it is my distinct pleasure—

*Interjections.*

**Mr. Jeff Leal:** Mr. Chair, it is my pleasure to nominate, as the Vice-Chair of this committee, my good friend the member from Nepean–Carleton. The reason I say “good friend” is that I think she’s the only one who didn’t visit my riding during the campaign, so that would be a good friend.

*Interjections.*

**Mr. Jeff Leal:** No, Clarkie didn’t come by.

You folks love Peterborough. The only thing is, I was going to take you all out for lunch, but no one was around to go to lunch with me.

Lisa MacLeod for Vice-Chair, thank you very much—with those short introductory remarks.

**Ms. Lisa MacLeod:** Oh, you’re awesome.

**The Chair (Mr. Garfield Dunlop):** Are there any other motions or any other debate?

**Mrs. Donna H. Cansfield:** I declare nominations closed.

**The Chair (Mr. Garfield Dunlop):** Okay. All those in favour of the nomination of Ms. MacLeod for vice-chair? Okay. That is carried.

Do you accept the position?

**Ms. Lisa MacLeod:** You know what? I had reservations until I was nominated by Jeff Leal from Peterborough, so I’m extremely honoured and touched that this was unanimous. I’m looking forward to many more unanimous decisions in this chamber. Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Thank you very much. Congratulations, Ms. MacLeod.

## APPOINTMENT OF SUBCOMMITTEE

**The Chair (Mr. Garfield Dunlop):** We now have an appointment to the subcommittee on committee business. Ms. Albanese?

**Mrs. Laura Albanese:** Congratulations, first of all, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** Thank you.

**Mrs. Laura Albanese:** I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting;

That the subcommittee be composed of the following members: the Chair as Chair, Ms. MacLeod, Mr. Balkissoon and Mr. Bisson; and

That substitution be permitted on the subcommittee.

**The Chair (Mr. Garfield Dunlop):** Are there any questions or debate on the motion moved by Laura? All those in favour of it? That is carried. Thank you very much.

**Ms. Lisa MacLeod:** Recorded vote, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** Not already.

Ladies and gentlemen, members of the committee, you had a draft report distributed to the offices. Have you any questions on that report? Mr. Bisson.

**Mr. Gilles Bisson:** Yes, and I would request that we deal with that at the subcommittee level and bring it back to the general committee next week.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, because the whole committee is here, we actually have to report on this, so—

**Mr. Gilles Bisson:** I request a 20-minute recess.

**The Chair (Mr. Garfield Dunlop):** Okay, then. Is there any debate or any discussion on this?

**Mr. Gilles Bisson:** There's going to be discussion after the 20-minute recess.

**The Chair (Mr. Garfield Dunlop):** Excuse me a second.

**Mr. Gilles Bisson:** Just to be clear, I'm just asking for a few minutes. I've just run from one meeting downstairs with the Clerk to this one, and I didn't grab my paperwork that I needed for this. So I'm asking for a short recess so I can actually run to my office and get the paperwork, just to put it on the record. I was trying to be very stealthy by doing it the other way.

**Mrs. Donna H. Cansfield:** Do we need 20?

**Mr. Gilles Bisson:** We'll need about 10 minutes at most. Ten minutes will do it.

**The Chair (Mr. Garfield Dunlop):** Ladies and gentlemen, Mr. Bisson has requested a 20-minute recess.

**Mr. Gilles Bisson:** I can live with 10.

**The Chair (Mr. Garfield Dunlop):** A 10-minute recess. Will that carry, then? Okay, thanks.

We're going to recess for 10 minutes.

*The committee recessed from 1313 to 1321.*

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting back to order. Thanks very much, Mr. Bisson, for getting back so quickly.

The item we have to deal with today on the agenda is the draft report. It has been circulated to you, and we want to know if there has been any discussion on this.

**Mr. Gilles Bisson:** I just have one change that I'd like to do. I'd like to make a swap: that we move, from the Standing Committee on Social Policy, the Ministry of Health, and that we move it over to the Standing Committee on General Government. In exchange, we take municipal affairs from general government and move it over to social policy.

**The Chair (Mr. Garfield Dunlop):** Just one moment.

Please say that again, Mr. Bisson.

**Mr. Gilles Bisson:** So from the Standing Committee on Social Policy, move the Ministry of Health and Long-Term Care over to the Standing Committee on General Government, and from the Standing Committee on General Government, move the Ministry of Municipal Affairs and Housing over to social policy.

**The Chair (Mr. Garfield Dunlop):** Any discussion on the request?

**Mr. Jeff Leal:** Mr. Chair, as you know, our House leader, Mr. Milloy, is in Kitchener today to undergo

some additional medical tests related to his stent surgery. In his absence, our deputy House leader, Mr. Bradley, is in charge, and I know that Mr. Bradley is not available till later this afternoon. Before we would concur with any changes, we would like to consult with our House leader, Mr. Bradley. I would suggest that this is something that could be raised at the House leaders' meeting at lunchtime tomorrow, if that's okay with you, Mr. Bisson, before we make this change.

**Mr. Gilles Bisson:** Mr. Chair, I could live with that, and that's what I was trying to do when I was trying to delay this whole thing. Now you understand.

**Mr. Jeff Leal:** Okay, thank you. I thought you had your—

**Mr. Gilles Bisson:** No, no. Just for the record, just so that people understand, that's why I wanted to delay this particular thing, because I think we need to have a bit of a discussion. That's all.

**Mr. Jeff Leal:** So it's all right for House leaders tomorrow?

**Mr. Gilles Bisson:** I'm happy if the Conservatives are happy, and I think I got a nod that the Conservatives are happy.

**Ms. Lisa MacLeod:** I'm always happy. Have you not seen the smile?

**The Chair (Mr. Garfield Dunlop):** Then I'm asking the whole committee. Can we defer this to the next meeting, then?

**Ms. Lisa MacLeod:** Yes.

**The Chair (Mr. Garfield Dunlop):** Is there a problem with that?

**Mr. Jeff Leal:** That's great, Mr. Chair, and then we'd have the report back from the House leaders, and we can deal with it then. That's okay?

**The Chair (Mr. Garfield Dunlop):** We will be meeting again next Wednesday at 1 o'clock. Okay?

**Mr. Jeff Leal:** Sure, okay.

**The Chair (Mr. Garfield Dunlop):** Now, what about subcommittee meetings?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** So I've got a confirmation or I've got support on that motion that Mr. Bisson has made to defer it. All in favour of that? I just want to make sure we're clear on that. In favour? Yes, okay.

Each of the support staff would like to make a few comments.

**The Clerk of the Committee (Mr. Trevor Day):** Just briefly, I'm Trevor Day, and I'm the clerk of the committee—

**Ms. Lisa MacLeod:** We love you, Trevor.

**The Clerk of the Committee (Mr. Trevor Day):** —thank you so much—and the deputy clerk of the committees branch.

This committee—you've all received copies of the mandate, but it basically has five aspects: report to the House on the standing orders and procedures of the House, and our actual membership motion says we're going to be doing that before we do anything else other

than what we've done here today; report to the House or advise the Speaker and the Board of Internal Economy on the administration of the assembly and services to members; advise the Speaker and the House on the television broadcast system; and review the reports of the Ombudsman as the committee deems necessary, and also report to the House recommendations on guidelines for the Ombudsman. The other thing is what we're doing here today: prescribing ministries for the policy field committees and then anything else that the House prescribes.

I am here for confidential, not partisan, advice to anybody who needs it. That's all I've got to say.

**Mr. Peter Sibenik:** My name is Peter Sibenik. I'm the procedural clerk. I work for the journals branch. I've been attached to this committee for more than 20 years as one of its research officers. Larry will speak in a minute.

What I deal with is, when the committee is investigating matters of House procedure, House administration, standing orders, things of that nature, then I will be assisting members of the committee in that regard.

The last two things that I worked on for the committee were the budget lockup issues—I think it was the last budget lockup or the one before—and also statutory committee reviews. That was also a report of this particular committee in the last Parliament. Larry?

**Mr. Larry Johnston:** My name's Larry Johnston. I'm a research officer. This is my second or third assignment to this committee. I will be dealing with committee matters that are not in Peter's bailiwick. That means,

either myself or one of my colleagues will prepare background materials or provide oral briefings to the committee when requested, prepare summaries of the hearings that the committee has—most often on bills—and draft the committee's reports on the basis of the committee's instructions, when required.

**The Chair (Mr. Garfield Dunlop):** Any questions of any of the gentlemen?

**Mr. Gilles Bisson:** To the procedural clerk: Statutory committee reviews—explain?

**Mr. Peter Sibenik:** Well, what happened in the last Parliament was that there was supposed to be a committee of the Legislative Assembly that was supposed to take a look at the LHINs by a certain timeline; that didn't occur by that particular timeline, and so the Speaker referred that particular matter to this particular committee to investigate. What happened in that situation is that there was retroactive legislation that came into place to fix the fact that the review did not originally occur by the specified time. So the committee just investigated that particular situation and reported back to the House. None of these reports, including that one, were ever adopted by the House. They died on the Orders and Notices paper.

**Mr. Gilles Bisson:** Okay.

**The Chair (Mr. Garfield Dunlop):** Any other questions? With that, then, that concludes the agenda for today. We'll meet a week from today, next Wednesday, at 1 o'clock in the afternoon.

The committee is adjourned.

*The committee adjourned at 1328.*





## **CONTENTS**

Wednesday 29 February 2012

Election of Chair .....	M-1
Election of Vice-Chair.....	M-1
Appointment of subcommittee .....	M-1

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

#### **Vice-Chair / Vice-Présidente**

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mrs. Laura Albanese (York South–Weston / York-Sud-Weston L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Jeff Leal (Peterborough L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Mr. Larry Johnston, research officer,  
Legislative Research Service

Mr. Peter Sibenik, procedural clerk,  
Journals and Procedural Research Branch



M-2

M-2

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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Wednesday 7 March 2012

## Standing Committee on the Legislative Assembly

Committee business

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Journal des débats (Hansard)

Mercredi 7 mars 2012

## Comité permanent de l'Assemblée législative

Travaux du comité

Chair: Garfield Dunlop  
Clerk: Trevor Day

Président : Garfield Dunlop  
Greffier : Trevor Day



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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 7 March 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 7 mars 2012

*The committee met at 1306 in room 228.*

## COMMITTEE BUSINESS

**The Chair (Mr. Garfield Dunlop):** Ladies and gentlemen, welcome to the Standing Committee on the Legislative Assembly and to our weekly meeting. I think the first thing—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** We've got six people here. We've got a quorum.

**Mr. Bas Balkissoon:** Laura just stepped out to the washroom. Can we give her a few minutes?

**The Chair (Mr. Garfield Dunlop):** We're just going to work through this very slowly.

**Mr. Bas Balkissoon:** She just dropped her stuff and said, "I'm coming back. I'm going to the washroom."

**The Chair (Mr. Garfield Dunlop):** There's no voting right now, so we can get some discussion on.

What's on the floor today, ladies and gentlemen, is a motion Mr. Bisson moved that the Ministry of Health and Long-Term Care be moved to the Standing Committee on General Government and that the Ministry of Municipal Affairs and Housing be moved to the Standing Committee on Social Policy. Is there any debate on this? Ms. MacLeod?

**Ms. Lisa MacLeod:** Speaker, I would like to know what the rationale is for that, if the member could provide that to us, because I don't have a background around why this is being suggested. Is this a motion from House leaders from all three parties? I have no background on this.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, have you got any comments on that?

**Mr. Gilles Bisson:** First of all, no, it's not a motion from the three House leaders. This is a motion that I, myself, brought forward. I just want to explain why and what it's all about.

As you know, this particular committee finds itself chaired by a member of the opposition, so therefore on all matters that come before this committee, you have a tie. I just thought, as I was sitting here last week, with the Ministry of Health being the largest ministry to expend money in the province, it made more sense in my mind to have it under a committee that is actually chaired by the government. That way, there'd be a better ability to do scrutiny.

I since have had some discussions with Mr. Wilson, the House leader for the Conservative Party, who tends to agree with me and support it. However, I don't have that support from the government House leader. I understand his reasons why, and I'm not going to get into all of that. I think we all understand that what I was trying to do is I was just trying to move this ministry over to a committee where it was chaired by the government so that, in fact, you would be in a position where we can give the Ministry of Health greater scrutiny, being the largest ministry that expends money in the province of Ontario.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Bisson. Mr. Leal, and then Mr. Balkissoon.

**Mr. Jeff Leal:** Mr. Chair, I certainly appreciate the comments from my colleague Mr. Bisson and Lisa MacLeod, but unfortunately, due to several other issues that have taken up a fair amount of time with the parliamentary liaison committee—I remember just yesterday Ms. MacLeod was there, as was Mr. Bisson, so they certainly can corroborate what I'm going to say to this committee today.

There were some very pressing issues yesterday dealing with two bills, Bill 13 and 14, the anti-bullying legislation, and how we're going to handle those two, which are of great importance to the people of Ontario—and indeed the issue with the review of the aggregate act. I know in my community and in several communities across Ontario, that is a very pressing issue, particularly since we're looking at the expansion of the 407. There's going to be a lot of aggregate needed for that particular project. A lot of temporary quarries could be opening.

This issue that Mr. Bisson has brought before us, I think, does need some discussion at the House leaders' level. There will be an opportunity on Thursdays—meaning tomorrow—to rightfully put this on the agenda.

But more important than that, Mr. Chair, there will be a need for, I think, our legislative research people to put together a backgrounder on this. I mean, I could go back to 1943, when a friend of my family—my grandfather was one of his organizers—George Drew from Guelph, Ontario, became Premier of Ontario. Colonel Drew is how he was affectionately known in those days because he had a very distinguished record during the First World War.

Part of his plan then—I don't want to digress too much, Mr. Chair, but he had a 12-point plan. One of the things at that particular time was reforming the

legislative process in the province of Ontario and having a big ministry—well, it was fairly big in those days—of health care to report to the standing committee on social policy. There is at least a long history of the Ministry of Health going to social policy, dating back to the mid-1940s.

So I would think before we make any final decision, House leaders need to look at this. But I think we, as a committee doing our job, need this background research. For the time being, Mr. Chair, those are my remarks right now.

**The Chair (Mr. Garfield Dunlop):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. Maybe you could clarify something for me; I sat in your position before. I thought at the last meeting we had the report on the standing committees to deal with it and we just deferred it because Mr. Bisson said he would take that to the House leaders and come back to us. Then we agreed that we would have our subcommittee meeting, and I know for whatever reason—we've tried to have two of them—Mr. Bisson could not be there.

I'm in a bit of awkward situation that you're accepting this as a tabled motion against the previous 111 that we had. I want to echo what my colleague has said. From what I'm hearing Mr. Bisson saying, it didn't come from the House leaders. He is seeing from his own view a political reason why this should happen. But I think before we restructure this whole place, which has had some traditions over a long period of time, we need to really have an opportunity to review this and to get some research.

I mean, there have been minority governments in the past. This committee, I suspect, has always been the way it is presented to us because that's the long-standing tradition.

I find this a bit of an awkward motion to deal with right now without having some historical background, without the House leaders having their own discussion and agreement—that you put a couple of members from the Legislative Assembly to make a critical decision on something that I think is very important not just for us as politicians but to deal with the bureaucracy of all the ministries so that when they come here we, as a committee, have all the right research people and the people with the skills to serve our committee.

I find this very difficult to deal with today—you know, all of a sudden dropped on us. It has come here without agreements. The standing committees were not dealt with in November when we returned, for obvious reasons. Why are we rushing this without proper review?

I think that in a minority situation—we all talk about it; we want to co-operate with each other. To me, this is not going to lend itself to co-operation if we have these things thrown at us last minute.

**The Chair (Mr. Garfield Dunlop):** On that, Mr. Balkissoon, this was a motion moved at the previous meeting and it's something that we need to address at this meeting. I'm not—

**Mr. Bas Balkissoon:** I don't recall us accepting the motion because we deferred the item.

**The Chair (Mr. Garfield Dunlop):** He did—I thought you had moved the motion. Mr. Bisson.

**Mr. Gilles Bisson:** Just to be helpful, I first of all want to thank Mr. Leal and Mr. Balkissoon for trying to find a way forward.

I take at face value what you're saying in the sense of, let's have a discussion at House leaders, because in fairness, Mr. Leal is right: That didn't happen because of time last week. I do know, and I want to put on the record, the government House leader at this point is not in favour. But let's have the discussion. I think that's fair. I just want to make one point, so therefore I'll just stand this motion down; I'll withdraw it, and we can have this discussion at House leaders and see what happens.

I just want to make one point, however: It is the right of all members of the committee, including members of the government or members of the opposition, to move motions, and we don't need to give notice when filing motions. The reality is, that's the way that this place works.

The second thing is, my logic, as I said, is a pretty simple one. You know, you can classify it as being political, and I get that, but it seems to me that when the Ministry of Health is the largest ministry, with the largest budget of any government expenditure, we would want to have a committee that has as much scrutiny as possible. That was my point.

So I withdraw the motion, and I thank you very much, members of the government who have suggested a way forward.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, Mr. Bisson.

Ms. MacLeod?

**Ms. Lisa MacLeod:** Well, I was actually going to suggest that maybe we defer this until such time that we could have research, but also a suggestion from the House leaders.

In any event, I think, given the fact that the member has withdrawn, I have nothing further to say.

**The Chair (Mr. Garfield Dunlop):** We still have a couple of comments. I understand you've withdrawn the motion?

**Mr. Gilles Bisson:** I've withdrawn.

**Mr. Bas Balkissoon:** I will stand down, since he's withdrawn it.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Leal, you have—

**Mr. Jeff Leal:** Just shortly, Mr. Chair, I appreciate the move by Mr. Bisson. I take it at face value, and I respect that, though could we ask our legislative team to do a little bit of background research for us so we have some documentation when we maybe discuss this down the road at some point?

**The Clerk of the Committee (Mr. Trevor Day):** What specifically are you looking for in terms of background?

**Mr. Gilles Bisson:** It may be premature.

**Mr. Jeff Leal:** It may be premature at this time. I'll withdraw that. Thanks, Mr. Chair. I'm just trying to be proactive, but I'll wait.

**The Chair (Mr. Garfield Dunlop):** Okay. So, members of the committee, we still have a draft recommendation, a report of the standing committee that we have to deal with. You should all have a copy of that in front of yourselves. Are there any questions on that?

**Mr. Gilles Bisson:** Again, to try to be helpful, the standing orders are clear, and I'll just read. Under standing 111, it says, "(b) At the beginning of each Parliament and, if necessary, during the course of a Parliament, the Standing Committee on the Legislative Assembly shall prescribe the ministries...." So that's essentially what we're doing. I'm reserving the right to come back later and do what I've got to do by way of agreement with the House leaders.

**The Chair (Mr. Garfield Dunlop):** So, members—

**Mr. Gilles Bisson:** I'm not waiving them; I'm going to exercise my rights.

**The Chair (Mr. Garfield Dunlop):** All right. Ms. MacLeod?

**Ms. Lisa MacLeod:** Given the discussion, may I move deferral of this until next week?

**Mr. Bas Balkissoon:** It wouldn't be next week; it would be the following week, the next meeting.

**The Chair (Mr. Garfield Dunlop):** Two weeks.

**Ms. Lisa MacLeod:** Okay, till the next meeting. Yeah, I don't want to come back and see you guys next week.

**The Chair (Mr. Garfield Dunlop):** We have a motion moved by Ms. MacLeod that we—

**Ms. Lisa MacLeod:** Can I move deferral of this committee report, this memorandum, until the next sitting of this committee?

**The Chair (Mr. Garfield Dunlop):** Are there any comments on Ms. MacLeod's recommendation or motion? Okay.

All in favour of the deferral? Okay, we agree.

**Ms. Lisa MacLeod:** Everybody, I just won my first motion in committee.

*Interjections.*

**The Clerk of the Committee (Mr. Trevor Day):** The committee has been invited to the NCSL, the National Conference of State Legislatures. The Legislative Assembly is invited every year to go. We have received our invitation. I guess what we'd be looking for is, is it the will of the committee to request authorization from the House leaders to go?

**Mr. Gilles Bisson:** When, where and how long?

**The Clerk of the Committee (Mr. Trevor Day):** I've got it here. It's in August. It's four days in August around the long weekend. It's actually August 5 to 9, in Chicago.

*Interjections.*

**Mr. Bas Balkissoon:** As Chair, I went several times. It's a very big conference, like 6,000 or 7,000 people.

**The Chair (Mr. Garfield Dunlop):** So, ladies and gentlemen, this is dated March 5, the National Confer-

ence of State Legislatures. Any questions on it? Or do you want to leave it—

**Ms. Lisa MacLeod:** Well, Chair, you'll probably recall that Speaker Peters did host one of the groups of state legislators and Canadian provinces here. I think it was two summers ago.

It's an opportunity to talk a little bit about process, but specifically the interesting thing is when you're talking about—I know Mr. Balkissoon may want to also jump in—areas of mutual concern, particularly when we're talking about the Great Lakes. I know that today, in the current state of affairs, there are many linkages between some of the other jurisdictions. I think that's important for us to consider.

1320

I myself am a fellow of the build program, as I know Mr. Balkissoon is. So there are a lot of linkages that we've made over the years with our colleagues from adjoining jurisdictions. It's also important to know that it won't be just American legislators. I do believe that they send representatives from Manitoba and Saskatchewan, as well as other—

**Mr. Bas Balkissoon:** And Quebec.

**Ms. Lisa MacLeod:** And Quebec.

**Mr. Bas Balkissoon:** Quebec is well represented.

**Ms. Lisa MacLeod:** They send a number of delegations. You can take Porter Air there too, by the way. I heard Pat Quinn—not the Pat Quinn from the Leafs this year—taking Porter Air.

**The Chair (Mr. Garfield Dunlop):** What we're asking for today, ladies and gentlemen, is authorization for nine people and two staff.

**Mr. Bas Balkissoon:** —change it, because Peter has changed it in the past.

**Mr. Steve Clark:** I make that motion, Mr. Chair, just as you so eloquently worded it.

**The Chair (Mr. Garfield Dunlop):** That the request be put in for nine members and two staff.

**Mr. Steve Clark:** Absolutely.

**The Chair (Mr. Garfield Dunlop):** Are there any other questions on that request?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** All in favour of Mr. Clark's motion? Okay. That's passed.

The final thing on our agenda today, ladies and gentlemen, is the proposed budget for attendance at the conference, etc. The request is a budget of \$43,790. There's no additional money required, but what you're saying is that we need approval.

**The Clerk of the Committee (Mr. Trevor Day):** Basically what it is, is that we're travelling outside of Canada. We have to inform the Board of Internal Economy. We don't require any additional funds from the board. It's all within our budget, but we need the committee's approval. So we'd be taking that to the board and telling them how much it costs.

**Mr. Jeff Leal:** Chair, I'll move that.

**The Chair (Mr. Garfield Dunlop):** And this is strictly for the conference. This is a budget for that conference.

**The Clerk of the Committee (Mr. Trevor Day):** We've estimated based, again, on accommodation for the highest possible—nine members and two staff—but I don't know if it will actually be this high. We've had to guesstimate at this point.

**The Chair (Mr. Garfield Dunlop):** We've got a motion to accept this by Mr. Leal?

**Mr. Jeff Leal:** Yes.

**The Chair (Mr. Garfield Dunlop):** Is there any debate on Mr. Leal's motion?

**Mr. Jeff Leal:** I don't think so.

**Mr. Gilles Bisson:** I have a question. Mr. Day, because you see your way through the night, how are you going to do that when there is actually no Board of Internal Economy?

**The Clerk of the Committee (Mr. Trevor Day):** We're going to set everything in motion and get it all ready to go. I think the initial letter will be to the Speaker, asking him to take this forward at the appropriate time. So we'll be contacting the House leaders for permission to go and putting a letter out to the Speaker saying, "This is the amount of money it will cost, but we won't require any additional funds," and we'll wait to see.

**Mr. Bas Balkissoon:** Is there a registration deadline?

**The Clerk of the Committee (Mr. Trevor Day):** There is, and it is sort of approaching, but I think we'll be fine.

**Mr. Bas Balkissoon:** Because it's always difficult to get hotels, you might want to put a hold on something, if you could. It's [inaudible] because it includes staff.

**The Chair (Mr. Garfield Dunlop):** Any further debate on this or further questions?

**Ms. Lisa MacLeod:** Do we have a cost of what it will be?

**The Chair (Mr. Garfield Dunlop):** Oh, sorry. Yeah, \$43,790, if everyone goes. That's the maximum amount.

**Ms. Lisa MacLeod:** Oh, my. Okay.

**The Chair (Mr. Garfield Dunlop):** That's if everyone goes. Everyone may not want to attend.

I need this approved, then. All in favour of this, first of all? Do I have enough hands to get approval? Okay. That's approved. Thank you.

The final thing we'd like to just toss out here today is any further questions on the standing orders or any further comments or direction we should take?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** A standing orders review.

**Mr. Gilles Bisson:** There's a whole bunch of discussion there.

**The Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Gilles Bisson:** There's a whole bunch—

**Mr. Bas Balkissoon:** We're going to have to deal with that separately, Chair. I mean, that could be a likely one, because the last committee reviewed it. It depends

on what members throw out. You are required to do a lot of research. It depends on what is being changed. You may want to look at other Parliaments.

**The Chair (Mr. Garfield Dunlop):** What I was trying to—

**Mr. Gilles Bisson:** Sorry, I didn't hear the last part. "Change"?

**Mr. Bas Balkissoon:** Depending on what you want to look at reviewing in the standing orders, you may want to consider what other governments do.

**Mr. Gilles Bisson:** Oh, I see. That's not what I heard. Sorry.

**The Chair (Mr. Garfield Dunlop):** I think what the attempt was today was to have some discussion on sort of a process to follow as we look forward over the next few months.

**Mr. Bas Balkissoon:** Okay. I didn't come prepared for that.

**Ms. Lisa MacLeod:** Okay, and I agree to member Balkissoon's point: I don't think we were prepared for that. I think that was a discussion we wanted to have at subcommittee, and unfortunately, that hasn't occurred yet. So I would suggest that we defer that until we're able to meet as a subcommittee, to make a recommendation to the larger committee and set out some ideas. We might be able to hammer out a process with our research team so that we actually are able to provide members of this committee with some direction, rather than a brainstorming session. I think we might be able to crystallize exactly how we wanted to perform the duties that have been outlined by the House leaders in the assembly for us.

So I would suggest, if it's possible, for the subcommittee to meet, potentially today or tomorrow, so that when we arrive back after the March break we can actually set the plan forward. It's going to be a very important process. This is going to be an opportunity for us to really look at (a) how we govern ourselves and the assembly; but (b) to also look at opportunities for us to engage the public, whether it's through what we do on the floor of the House or whether that is working on how we communicate with the public.

I think we have a great opportunity here. I wouldn't want for us to not manage expectations and just get into talking about process when we don't have the appropriate background material on it. So I would suggest that we have that subcommittee as soon as possible.

**The Chair (Mr. Garfield Dunlop):** Okay. Next, Mr. Bisson, and then Mr. Balkissoon.

**Mr. Gilles Bisson:** Well, I was hoping, in fact, that we could have a bit of an initial discussion here at committee today, with all members of the committee present. Not to give final decisions about where we're going and what standing order changes we want, I want standing order 3 and you want standing order number whatever, but just sort of a general discussion of—I take it there are going to be a number of things that are going to happen. The various caucuses, with work done internally, are going to make some recommendations about what standing order

changes they want. We don't need a subcommittee to decide that. It's actually the caucuses that decide that, and then that'll be brought back to committee.

The other thing is that I think it would be very important for us to ask the Clerk of the Legislature to appear before this committee at our next meeting, to have a bit of a discussion; not a discussion, but a bit of an overview on the part of the clerks, because I think the clerks are the repository of knowledge when it comes to understanding what the principles—there are standing orders, but then there are the principles by which we guide ourselves in those standing orders. Those principles are that a government, at the end of the day, has got to be the one that governs—and there are some reasons why our standing orders are written the way that they are, that they propose motions, they table legislation. There are reasons why that kind of stuff happens.

But anyways, my point is, it would be informative, I think, for the committee to have the Clerk's office come and give us a presentation on not just the standing orders, but sort of what the heck it really is all about.

Then, the other thing is that I wouldn't mind having a conversation in regard to the general themes of what it is that we would like to see happen in the standing orders. Aside from specific changes that I'm sure we've all looked at, I think there are some general themes that I would like to look at that I wouldn't mind the Clerk speaking to, and that is, how do we make modifications to the standing orders so that members, quite frankly, can do the job that they're sent here to do? I think we have a very solid system of committee. If you compare our committee structure to a whole bunch of other jurisdictions, it's not bad. It could be a lot better, but it's not bad. But how can we change how committees operate?

For example, I'll just give you a couple of things that I've been thinking about. Currently, committees can't meet in the intersession. Should we contemplate having an ability for a member of the committee to be able to ask the Chair so that a committee can actually meet in the intersession to do work?

1330

Issues of standing order 126: Should we be looking at not having a two-thirds threshold but finding some method by which members are able to bring forward issues of interest so that the committee can spend some time to look at an issue in order to start getting the ball bouncing on that issue that's important to the caucus or the individual, taking a look at essentially how we can empower members to do the work that they're sent here to do? I think that the complaint that we all have—it doesn't matter what side of the House you sit on; we've all sat in government and some of us have sat in opposition. It's equally frustrating, no matter what side of the House you sit on. I think we need to find ways, through the standing orders, to try to empower members to do their job in a way that recognizes the intent of what the parliamentary system is all about: that a government, at the end of the day, must govern—if it's a majority gov-

ernment, then we all know what that means—and how we're able to make this work a wee bit better.

I'm not sure that that is a discussion that's best suited for a subcommittee. I would argue that it's a general committee that has to deal with that.

**The Chair (Mr. Garfield Dunlop):** So if I'm making myself clear, Ms. MacLeod is saying to have a subcommittee meeting to determine this; you're saying to bring the Clerk in for the next committee meeting.

The next question would be to Mr. Balkissoon and then to Ms. Cansfield.

**Mr. Bas Balkissoon:** I just want to comment on Ms. MacLeod—that the subcommittee can meet today or tomorrow. Unfortunately, I have to sit in the chair all day tomorrow, so I'm not available. My suggestion would be, maybe the Tuesday we return.

I clearly understand what Mr. Bisson is saying, but to be honest with you, I don't have a whole bunch of items I wanted to table, because I really haven't consulted with my caucus members. I'd like a chance to do that.

If we could all, I guess, speak to our caucus members and come to the subcommittee with something that we need to look at, then we can ask research to do the work for us. We can have the Clerk come and we can add more research if it's necessary. But I agree with you: The Clerk should come and give us, from the Clerk's perspective, what can be done to make changes to make this place more efficient. That's the way I would look at it.

**The Chair (Mr. Garfield Dunlop):** I personally have no problem having Deborah coming here, and going over the standing orders with her. Ms. Cansfield?

**Mrs. Donna H. Cansfield:** Thank you, Chair. I don't either, and I appreciate that Mr. Bisson has already had some conversation, because you've put some things on the table. Certainly, that's an opportunity that we would also like, in terms of time.

There's the point of asking the Clerk to come and, from their perspective, looking at where they see there could be changes or modifications or whatever. But then there's also the impact of suggested changes on the running of the House. It's almost like it's two times the Clerk might have to come, or even more often, because unfortunately sometimes what happens is, we don't think about the ripple effect or the impact on something else as we look at these changes.

It really is something for the subcommittee to consider. They may come back with some recommendations that speak to a broader opportunity for the Clerk's engagement somehow. Again, I appreciate the discussion on what the changes could be. We haven't had that here, to throw anything out at this point, but there's the other issue around that involvement of the Clerk, and I think the subcommittee has a role to play in the ongoing process.

**The Chair (Mr. Garfield Dunlop):** Thank you, Ms. Cansfield. Ms. MacLeod, then Mr. Leal.

**Ms. Lisa MacLeod:** Just to pick up on Madame Cansfield and Mr. Balkissoon's points, I really do believe we have to focus our efforts right now on building a

strong foundation for which we can guide a process that will give us the answers that we're searching for. Right now, it's easy for me to rattle off a list of changes I might like to see or the Ontario PC caucus would like to see, but that said, I think that we're not going to get a good solution if we just do that here without setting up an appropriate process. That's why I would just reiterate that we send this back to subcommittee to determine our process, involve the Clerk, as Ms. Cansfield and Mr. Balkissoon have said—and perhaps that's one time, it could be 10 times—so that we can do the work the best way possible.

Only once we have a list of suggestions from our own caucus can we then provide that to the legislative researcher, who can look at other jurisdictions and provide us with a procedural background from our clerk in this committee but also from the Clerk of the Assembly, and then can we ask her the right types of questions that will get us to the end of what we want to see, and in some cases that's going to be reform, right?

I just want to make sure that we're doing this right, that I'm not going into an event with either the Clerk or even here right now unprepared, because I don't think we're going to get the answers we want unless we do it the right way. I know that's boring because it's process-driven, but I'm a firm believer that unless you build a solid foundation, your home is going to sink, so the reality is, I think we have to build a solid process so that the answers that we come out with at the very end are going to be solid and they're going to make our assembly work even better.

**The Chair (Mr. Garfield Dunlop):** Okay. Now Mr. Leal, then to Mr. Clark, then to Mr. Bisson.

**Mr. Jeff Leal:** Thanks very much, Mr. Chair. In fact, when you look at this operation of the House over many, many decades, there were three periods where there was a substantial change to the standing orders. The government of Mr. Rae brought in substantial changes to the standing orders. I'll give you the whole context here. Mr. Harris brought in some substantive changes to the standing orders, and then Michael Bryant, who was our House leader. So all three parties that have been in power over the last 30 years have brought in substantive changes to the standing orders, and I think it's timely now that we took a look at them.

But, Mr. Chair, we may want to solicit opinions from former Speakers. The reason I mention this is because former Speakers, of course, are the referees for the standing orders. David Warner, a number of years ago, wrote an opinion piece in the Globe or the Star about the functioning of the house. Mr. Edighoffer was in the audience today; he was a longstanding Speaker. Mr. Turner from my riding of Peterborough was the Speaker between 1981 and 1985. Mr. Peters. So we might be able to canvass some opinion from them, and I think all opinions we're going to need if we're going to profoundly change the standing orders that I think reflect the needs of Ontarians today.

**The Chair (Mr. Garfield Dunlop):** Thanks, Mr. Leal. Mr. Clark, then Mr. Bisson.

**Mr. Steve Clark:** Yes. I just want to speak in favour of taking a measured approach. Obviously, I think it's important that we do meet in the subcommittee. I learned first-hand in the last session, when I tabled a motion that would change the standing orders after I met with the Clerk, that you can talk for days, weeks, months about all the necessary things that have to change, whether it be a standing order, whether it be changes to question period, whether it be doing electronic petitions or opening up our proceedings or committee hearings over the Internet. There are literally dozens of things that we all individually could put on the table, and I think we do need to have some time at the committee, within our own caucuses and individually to get this thing right, to make sure that we bring the right minds together and move forward on some very necessary changes. I think it's a unique opportunity in the minority Parliament situation, but I do believe, and I certainly knew from some of the meetings I had with the Clerk after I tabled that very small motion that this can be a very substantive consultation process and discussion.

So I support the discussion going back to subcommittee and having a planned approach with the clerk as we move forward.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Bisson?

**Mr. Gilles Bisson:** I'm not so sure that we're all on different pages here. I think we're somewhat on the same page. I'm not opposed to having a subcommittee meeting in order to say, "Let's talk a little bit about process." The point I was making: I think all members of the committee need to be present in regard to the substantive discussions that we have to have around the standing orders. I think that was the point—

**The Chair (Mr. Garfield Dunlop):** Oh, absolutely, yes.

**Mr. Gilles Bisson:** That was the point that I was trying to make.

*Interjection.*

**Mr. Gilles Bisson:** Yes. The second thing is, just to be very clear, and I'm just sort of thinking this through because I've thought about it somewhat, there are probably two or three or four things that are going to drive the changes to the standing orders. There are going to be individual caucuses who will put forward proposals. I know that we've been thinking about it and I'm sure the Conservatives and yourselves have been thinking about it, where you're going to have a package of items that you're going to bring to this committee in order to take a look at the changes to the standing orders. So I just want to be clear that at that subcommittee level, it's not about vetting each other's proposals; it's only about how we get into the process of dealing with them.

Then there's a second point, which is that individual members, as we sort of work our way through all of this, are going to actually have some ideas of their own based on the evidence that they've heard and the experience

that they've accumulated through this committee and the reading of the standing orders, which I hope we all did. And I really, really suggest—there's a very good book, O'Brien and Bosc, great bedtime reading. You should read it every night. It's very interesting.

1340

So there's a process that the caucuses will drive what it is that they want for standing orders changes and, sure, we can talk about how we're going to deal with that. There's going to be individual members at committee who are going to decide, "Well, Lord, I just thought of something; I never thought about that. Maybe we can deal with something."

But the other thing is, and this is why I'm suggesting we bring the clerks at the beginning of this—not so much to talk to us about specifics of what our ideas are, but first of all they've been working with the standing orders for a long time and I bet you they have a couple of changes they would like to see. I think it would be interesting to know what those are at the early beginning. We may not agree with them, but I would like to hear what they have to say because there have been, as my friend Mr. Leal has pointed out, the fingers of all government House leaders on these standing orders, and that quite frankly has restricted our ability as members to do our job. That's sort of the bottom line.

But the other thing is, I want the clerks to come before us to talk about the context of the standing orders. Because the one thing that I've learned to appreciate over the 20-some-odd years that I've been here: There's a time that you think you understand the standing orders, and it takes a long time before you recognize it's not just the standing orders but you need to understand the context of the parliamentary system—why the standing orders are written the way that they are—so that we don't do what government House leaders have done, which is, for their own benefit, change the standing orders in such a way to advance their agenda.

We should be more concerned as a committee—and listen, all parties are guilty of this, and I say that freely—that we actually try to do the job of how the heck can we empower members so that when Donna Cansfield says, "I'm really interested in an issue that I think is not being talked about in Ontario and I want to have a way of being able to do that outside of a question or a private member's bill," because you maybe get one of those per session, we can actually use our committees to do some of that stuff. That's the context I'm getting at.

So I would ask that we actually have the clerks come and talk to us about what are some of their ideas about changes to the standing orders at our first meeting and to give us a bit of a context of how the standing orders are supposed to operate for the functioning of Parliament.

**The Chair (Mr. Garfield Dunlop):** Before I turn it over to Ms. MacLeod again, what I'm hearing right now though is that—and I think it's fairly supportive that the committee feels that the Clerk should be one of the first presenters here with us. I think what we're looking at right now is going to a subcommittee meeting and laying

out a process and she should be one of the first people to come. Ms. MacLeod, is that—

**Ms. Lisa MacLeod:** Yeah, and I think there is consensus that there are people that we're going to want to talk to in order to help us make our decisions.

But again, I think what I sense is the will of a lot of people on this committee is that we actually establish the process first so that that can guide us along. In fact, I'm intrigued by Mr. Bisson's views on how we will arrive at some of the changes to the standing orders through various caucuses—Mr. Leal pointed out from previous Speakers, and of course Mr. Bisson mentioned the clerks.

I think there's another group that we should be consulting, and that is the public, at some particular point in time. But we need to have a process established in order to have them appear before committee and we have to have an idea that can focus us through that process and guide us on what our ideas are. I think a very important point to Mr. Balkissoon's point earlier, and I agree wholeheartedly with him, is we have to look at other jurisdictions.

This is going to be a lengthy process. I understand the House leaders and the assembly have tasked us with a process that can go up until September, until before we come back to the House. Although it seems like a great deal of time, the more we talk right now proves that we have to have a very firm process in place so that we can get that report written, translated and then hopefully make some serious recommendations to the assembly when we return in the fall.

I guess I would just suggest that yeah, there's a lot of good ideas that have been here today on the table, but we need to make sure that we're prepared to move forward through that process.

Otherwise, we're just going to continue to talk in circles. No real recommendations will be made and we will be worse for it in the assembly because we have a golden opportunity as private members of caucuses to actually make this assembly work better for us and for the people who have sent us here to Queen's Park. So we actually for the first time in many years have an opportunity to work together to get it right for ourselves.

**The Chair (Mr. Garfield Dunlop):** I just want clarification that, with the authority of the House, we can work through the summer, go up to September. Other than that, our time frame is when the House adjourns, without that approval.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** So I think the will of the committee now is that we refer this to a subcommittee for the process, and the point now is when we can meet for the subcommittee—

**Mr. Gilles Bisson:** And also to invite the Clerk.

**The Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Gilles Bisson:** I'm asking that we invite the Clerk to our first meeting.

**The Chair (Mr. Garfield Dunlop):** Of the subcommittee?

**Mr. Gilles Bisson:** No, of the general committee.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Gilles Bisson:** I don't have a problem with the subcommittee meeting. I understand what my colleague is saying. I would just like, at the very first meeting, that we have a bit of an overview of the thoughts from the Clerk.

**The Chair (Mr. Garfield Dunlop):** Okay, so what we're hearing now is we're meeting and the subcommittee will develop process. Then what Mr. Bisson is saying, basically, is suggesting that we have the Clerk attend our next meeting.

**Mr. Gilles Bisson:** The specific idea in what I'm asking the Clerk to do specifically is to give us the table's view in regard to the standing orders that are, in their minds, needing to be changed, because I do know that there are some that I've talked to them about. But the bigger thing is to give us the context.

**The Chair (Mr. Garfield Dunlop):** All right. Ms. MacLeod.

**Ms. Lisa MacLeod:** I have no problem with our Clerk coming before us at that committee. However, in the event that the subcommittee meeting does not occur or all members of the subcommittee are not present—so it's not actually a full subcommittee meeting—my preference is that we defer Ms. Deller's appearance before committee until such time as the subcommittee has met. Is there agreement?

**The Chair (Mr. Garfield Dunlop):** Okay, so one's contingent on the other. Ms. Albanese?

**Mrs. Laura Albanese:** Yes, I concur with Mrs. MacLeod's suggestion, because I think that it's important that we have an idea of how the process is going to work. It would help us in better understanding the presentation that the Clerk would do and also in posing questions. That would be my personal opinion.

**The Chair (Mr. Garfield Dunlop):** Okay, and I think that's what we're understanding here today. I think right now it's a matter of setting up a subcommittee time in order to make this happen.

**Mr. Gilles Bisson:** —the subcommittee won't be today because you're not available, right?

**Ms. Lisa MacLeod:** Can we do it on Friday?

**Mr. Gilles Bisson:** Excuse me, Friday I'm going home.

**Mr. Bas Balkissoon:** I would say the first Tuesday that we're back, maybe 4 o'clock, we meet.

**The Chair (Mr. Garfield Dunlop):** The first Tuesday—

**Mr. Gilles Bisson:** Why don't we do it Monday morning?

**The Chair (Mr. Garfield Dunlop):** Look, ladies and gentlemen of the committee, the clerk will take care of the scheduling and coordinate it.

**Mr. Gilles Bisson:** Can I suggest that I'm free on Monday mornings?

**Mr. Bas Balkissoon:** But we wouldn't have a chance for our caucus to get together. I'd like to do it after our first caucus meeting.

**Mr. Gilles Bisson:** So when are you suggesting? After Tuesday?

**Mr. Bas Balkissoon:** I was thinking more like 4 o'clock on Tuesday, or even Wednesday, when we come back.

**Ms. Lisa MacLeod:** So we can bring it to our caucus. I'm cool with that.

**Mr. Gilles Bisson:** Can I just get in a bit of a—I don't expect that we're going to be having a definitive "Here's our paper on the standing orders" by that point.

**Mr. Bas Balkissoon:** No, no. I'm looking for—if people have input on a particular clause that they have an idea on, then I could at least bring it to the subcommittee.

**Mr. Gilles Bisson:** Okay, but there's a process question, and I'm agreeing with my colleague in the sense of the only thing we're going to be discussing in subcommittee is what's going to be the process by which we're going to deal with things. We'd like to have an interim report, for example; I can just think of one thing off the top. So the issue of what gets put into the hopper as far as review I don't think is critical for the subcommittee meeting.

**Mr. Bas Balkissoon:** Okay, well then I'm good for Monday or Tuesday.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Ms. Lisa MacLeod:** Just to that point, I understand where Mr. Balkissoon's coming from, Mr. Bisson. He was suggesting—and I know where you're coming from—

**Mr. Bas Balkissoon:** At least I'd have an idea.

**Ms. Lisa MacLeod:** He wanted sort of an idea so that we could actually start directing the clerks at that time—

**Mr. Bas Balkissoon:** For research.

**Ms. Lisa MacLeod:** —for research purposes.

**Mr. Gilles Bisson:** But we could still do that at the Wednesday meeting.

**Ms. Lisa MacLeod:** Which is fine.

**Mr. Bas Balkissoon:** That's fine. Okay, as long as I request the research and somebody doesn't object to it.

**Mr. Gilles Bisson:** Let's be clear, just for the record—

**The Chair (Mr. Garfield Dunlop):** Okay, hold on.

**Mr. Gilles Bisson:** Just for the record?

**The Chair (Mr. Garfield Dunlop):** Yeah, go ahead, Mr. Bisson.

**Mr. Gilles Bisson:** Just for the record, we're not going to lock ourselves down on Tuesday at the subcommittee meeting; we're going to have a general discussion about procedure, we're going to go back to our caucuses to have a discussion as Mr. Balkissoon suggests; the Clerk will come talk to us on Wednesday. We'll continue the discussion after the Clerk's presentation.

**Ms. Lisa MacLeod:** My understanding, Mr. Chair, is that we were actually going to lock ourselves down to a process with a subcommittee report the next day to actually lay out the—so that we could actually get to work.

**Mr. Gilles Bisson:** Well, we can get to work, but—

**Mr. Bas Balkissoon:** Mr. Chair, I'm in agreement as long as all of us here agree that if a member requests additional research at any point in time, it wouldn't be denied.

**The Chair (Mr. Garfield Dunlop):** That's a given. We expect that.

**Mr. Bas Balkissoon:** Okay. So that'll do the job.

**The Chair (Mr. Garfield Dunlop):** So here's the process right now: We have our subcommittee meeting, and we're inviting the Clerk to that first meeting. She'll be the first person who will present to us after we adopt the report of the subcommittee. That's provided we actually do have a subcommittee report, and the actual meeting takes place.

Are there any other questions the committee would like to have the Clerk be prepared for at that meeting?

**Mr. Gilles Bisson:** I guess we can deal with it later, but at one point I'd have some requests of research to put together some information, but it would probably be better to do that next meeting, I think, right?

1350

**The Chair (Mr. Garfield Dunlop):** Yeah.

**Ms. Lisa MacLeod:** I actually agree with you. And I think that what Mr. Balkissoon was saying was, when we start to talk to our caucus colleagues—but there may be some ideas from us right now that we could actually ask them. For example, I think it will be very helpful for all of us to actually have a copy of the standing orders for our federal House of Parliament, as well as the rules of procedures that govern Britain, and the assemblies that are actually responsible to that government as well, which I guess would be Northern Ireland and Scotland, because I think that would be the most similar. Some of my colleagues may have other ideas—I had heard other jurisdictions—but perhaps that's a start so we can actually see how they govern themselves internally, for their rules and procedures. That's a start, just so we can familiarize ourselves with that practice.

**The Chair (Mr. Garfield Dunlop):** The more information that they can be asked to present to the committee, the better it would be for the research department as well. Are there any other—

**Mr. Bas Balkissoon:** Mr. Chair, maybe just a question for the researcher: If you're doing that, would it be very simple to do a short comparison of major issues that are different?

**The Clerk of the Committee (Mr. Trevor Day):** No, it wouldn't.

**Mr. Bas Balkissoon:** It's going to be too difficult?

*Interjections.*

**Mr. Bas Balkissoon:** That's why I asked the question.

**The Chair (Mr. Garfield Dunlop):** I think it's real simple. I don't think there's anything to this. Go ahead. You can have it ready for tomorrow morning.

**Mr. Gilles Bisson:** We'll never see Larry again. "Where's Larry?"

**The Chair (Mr. Garfield Dunlop):** Okay, I think we have some direction here now. We just have to set up the subcommittee meeting.

**The Clerk of the Committee (Mr. Trevor Day):** The last thing I just wanted to check is that when the Clerk comes, on Mr. Bisson's direction, she may have a list of possible proposed changes, things they've seen over time that—loose ends that need to be tied up.

**Mr. Gilles Bisson:** Also, I want her to talk to the context so that this committee understands that when you're changing standing orders, what does that mean overall?

**The Clerk of the Committee (Mr. Trevor Day):** Okay.

**Mr. Bas Balkissoon:** It has a ripple effect.

**Ms. Lisa MacLeod:** Just quickly, because I don't want to get into horse trading right yet on standing orders as much as I want to make sure that when we have that opportunity to actually have folks come in, I actually envisage public hearings, like we did last time, where we could have some constitutional experts come in and actually speak to us about some of their recommendations. I think that will be appropriate for Ms. Deller at the time.

I would be more interested in her going through our current standing orders and just suggesting to us what Mr. Bisson said—not necessarily what her laundry list might be, but what the implications are if there are changes to certain standing orders. Maybe that's more appropriate, because I think if we're talking in terms of a process where we're going to make recommendations, that should be done relatively around the same time, once we have a firm process, so we know what to do with those. It's easy for someone to come to the committee—I'm sure even our staff here today would have some ideas on how to do it—but where do they go? I know that they'll go into Hansard, but how do you funnel that through so it's an end product? That's a big concern for me.

**The Chair (Mr. Garfield Dunlop):** I think we're getting some direction here for Trevor to pass on to the Clerk.

Gilles, did you have anything more?

**Mr. Gilles Bisson:** No, I'm just scratching my psoriasis. It's bothering me.

**The Clerk of the Committee (Mr. Trevor Day):** So we've got proposed changes and context, and possibly some implications of change. Is that it?

**The Chair (Mr. Garfield Dunlop):** Anything else anyone has for the clerk of the committee today?

**Mr. Jeff Leal:** We've covered a lot of territory today.

**The Clerk of the Committee (Mr. Trevor Day):** The last thing is, I guess, from the Clerk's point of view, Parliament fulfills certain functions for certain areas. Some are public hearings; some are accountability. If she can outline what our major functions are and then if there's interest in that function, we can delve deeper. If not, it can be moved aside, and she knows what standing orders apply to which ones.

**Ms. Lisa MacLeod:** Just one other thing, Mr. Day; you just raised something in my mind. Perhaps at the time when Ms. Deller appears before committee, she can talk about her experiences, having gone to other Com-

monwealth Parliaments, because she has obviously had that experience, from being on the CPA, the Commonwealth Parliamentary Association. I know she has visited other jurisdictions. Perhaps she could give us, very briefly, some of the best practices, and maybe we can expound upon them at another time, but maybe that goes hand in glove with what we've been talking about earlier, with what's happening with the British parliamentary system.

**The Chair (Mr. Garfield Dunlop):** Okay. Any other comments from anyone?

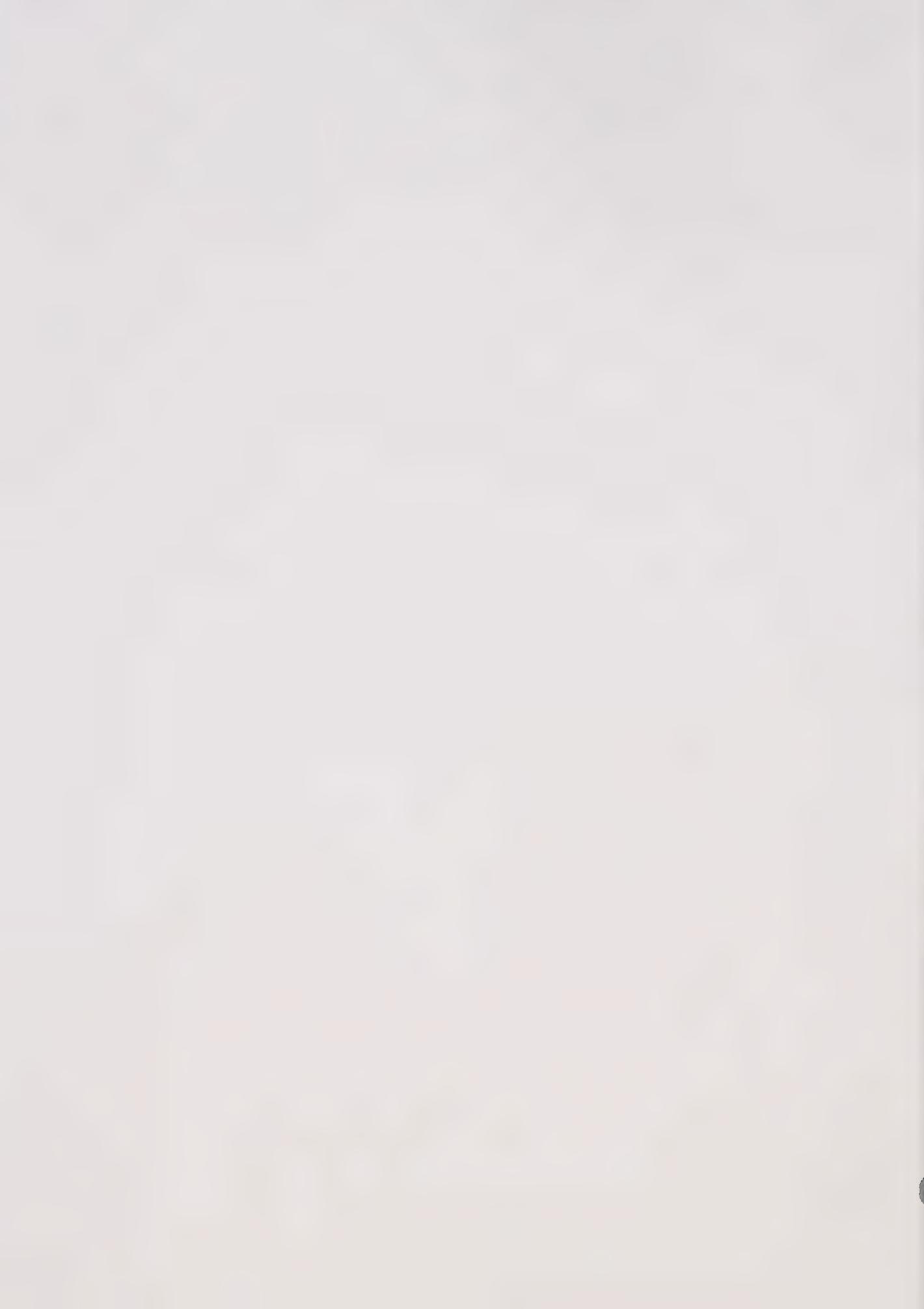
This meeting is—

**Mr. Gilles Bisson:** Don't forget: O'Brien and Bosc, bedtime reading.

**The Chair (Mr. Garfield Dunlop):** Okay, ladies and gentlemen, this meeting is adjourned until—I guess it's the 21st.

*The committee adjourned at 1355.*







## **CONTENTS**

Wednesday 7 March 2012

Committee business.....	M-5
-------------------------	-----

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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Mr. Jonah Schein (Davenport ND)

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Mr. Trevor Day

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Mr. Larry Johnston, research officer,  
Legislative Research Service

M-3



M-3

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First Session, 40<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 21 March 2012

# Journal des débats (Hansard)

Mercredi 21 mars 2012

## Standing Committee on the Legislative Assembly

Committee business

## Comité permanent de l'Assemblée législative

Travaux du comité



Chair: Garfield Dunlop  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 21 March 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 21 mars 2012

*The committee met at 1305 in room 228.*

## COMMITTEE BUSINESS

**The Chair (Mr. Garfield Dunlop):** I'm going to call the meeting to order, everyone. Thank you very much for showing up on this warm day.

Okay, everyone. I call the meeting to order. Our first item of business is the draft committee report, pursuant to standing order 111(b). Is there any more discussion on this report?

**Mr. Bas Balkissoon:** We're ready to adopt.

**The Chair (Mr. Garfield Dunlop):** Any more discussion on this report? All those in favour of the report? Okay, that report passes.

Because we've been unable to set up a subcommittee meeting—it just hasn't worked for us because of our busy calendars—I asked the clerk if he would put together some kind of an agenda for a possible process so we could start discussing it and start getting some work done on this committee. I have a copy of it right now. Can I distribute that—

**The Clerk of the Committee (Mr. Trevor Day):** I'd be happy to.

**The Chair (Mr. Garfield Dunlop):** Okay. This is the clerk's thoughts on this committee. Sorry about the temperature, too, everyone. Feel free to take your coat—well, I guess everybody has got them off.

**Mr. Gilles Bisson:** Chair, I didn't quite hear. This is prepared by who, this particular—

**The Chair (Mr. Garfield Dunlop):** This is just a draft type of an agenda to get some conversation moving in this committee. For three weeks, we've been unable to set up a subcommittee meeting.

**Mr. Gilles Bisson:** That wasn't my question.

**The Chair (Mr. Garfield Dunlop):** I asked the clerk to draft it.

**Mr. Gilles Bisson:** Okay; I just wanted to know. I was just wondering who did it.

**The Chair (Mr. Garfield Dunlop):** With that being said, can I ask you, Mr. Clerk, to go over it and give us some thoughts on it and where we could maybe go with this?

**The Clerk of the Committee (Mr. Trevor Day):** Basically, in terms of an inquiry, we tried to break it down to the general areas that any inquiry would require. We've got background information; there was some dis-

cussion about bringing the Clerk in, speaking about functions of Parliament, different areas. This would be sort of an information session to familiarize everybody with the issues that we're looking at.

From that, the hope would be that we could narrow down just slightly our areas of study, define which functions of Parliament the committee has no interest in pursuing, be it private members' public business, bills, the estimates process, stuff of that nature, still in a very general form.

From that, we would then move on to information gathering. This could take many forms, in terms of witnesses in, going places, looking at other jurisdictions that have a practice that we'd like to possibly emulate from our defined areas of study. Once we've had a chance to do that and take on that kind of research, at that point we would ask the members of the committee to possibly bring forward their proposed recommendations. This is where we would focus a little narrower in terms of specifics, not fine-tuned, but again, a little more narrow as to what exactly we'd be talking about, roughly. With the proposed recommendations, there was some talk from Mrs. Cansfield about implications falling out of those recommendations. We could bring the Clerk back to speak to that. We could look at having research done to see how successful or unsuccessful certain practices have been in other jurisdictions—stuff of that nature.

After that, we have to sit down and write an actual report, where it would be going over the wording of a draft report prepared by research, proposed recommendations, until we hit a point where the committee was happy with what they have. At that point, it drops to my office for translation and printing and a presentation in the House.

**M. Gilles Bisson:** Juste un point, très vite, faisant affaire avec le rapport que vous avez proposé. Je veux être très clair que, quand ça vient à l'écrivage du rapport, c'est pas un rapport de quoi qu'on a parlé à l'Assemblée avec les chefs parlementaires. C'était la question de s'assurer qu'on est capable de faire un rapport intérimaire, puis après ça, il va y avoir un autre rapport à la fin.

I figure, we have these guys here; we've got to make them work.

**Interjection:** Répétez, s'il vous plaît.

**M. Gilles Bisson:** Répéter? Non. C'est pour dire, quoi que les chefs parlementaires ont eu comme direction

quand on a discuté de cette question avec les chefs parlementaires, c'est pas un rapport qui va être écrit à la fin de nos travaux. Il va y avoir un rapport intérimaire faisant affaire avec les questions que nous, on est d'accord avec; un rapport intérimaire parce qu'il y a possiblement certains changements des ordres qu'on peut faire assez vite, et là, il va y avoir un autre rapport à la fin. C'est pour clarifier.

**1310**

**The Clerk of the Committee (Mr. Trevor Day):** What I believe, Mr. Bisson, is the possibility for interim reports to be tabled and then spoken to—a possibility for interim reports to then be seen by the Legislature and whatnot and then have someone comment back on that.

Depending on our timeline—again, as it stands right now, in order for this committee to fulfill its work under its current membership before the September 9, I believe, changeover of membership, we were looking at this for a presentation prior to the House rising on June 7. I don't know—and, again, we can adjust this to see if we could work an interim report in there. But timelines are sort of tight, depending on how big the interim report would be, or how focused.

**Mr. Gilles Bisson:** Just to be really clear, the direction from the House leaders was that this committee would meet. It would meet as long as it has business to do with the standing orders. We deal exclusively with the standing orders. But it's expected that there would be some interim report from the committee on things that we've agreed to that we can actually change. We wouldn't have to wait until June 7.

In other words, if in four weeks' time we have four or five things that we all agree on and we can pass through this committee, that'll be reported back to the House, and then the House leaders will discuss how that will be called as a motion in the House. But then there will be a final report at the end of our work.

**The Clerk of the Committee (Mr. Trevor Day):** That's absolutely at the will of the committee as to how they want to proceed.

**The Chair (Mr. Garfield Dunlop):** Okay, so you see—yes, Mr. Leal?

**Mr. Jeff Leal:** Thanks, Mr. Chair. Just to be quick, I think there certainly is a consensus that we've got to get on, get the job done and start the work.

Mr. Bisson makes a good point. Along that time frame, an interim report—because often an interim report can spark a whole series of other questions or ideas that may find themselves in the final recommendation.

But I think in my chatting with people on all sides of the House, in terms of the standing orders, we've got a big job, and we've got to get on and get it done as quickly as we can.

**The Chair (Mr. Garfield Dunlop):** Okay. Any comments? Mr. Clark?

**Mr. Steve Clark:** No, I just want to echo that as well. I think, if there are some things we can agree on, then we can move forward on them. But I think there is a general consensus that we've got to start meeting, and we need

some documents and we need some research. So let's get moving.

**The Chair (Mr. Garfield Dunlop):** How do you feel about the information we've provided on this draft agenda? Are there any questions on that? Mr. Balkissoon.

**Mr. Bas Balkissoon:** Actually, I don't have a problem with your draft agenda. I just wanted to say that as long as we look at the start date and the end date but not put dates to the stuff in between—so we could have that dialogue back and forth, and if we need added research, that we have the opportunity to do it.

**The Chair (Mr. Garfield Dunlop):** Okay. Ms. MacLeod?

**Ms. Lisa MacLeod:** I would first like to say thank you very much to our clerk for providing this. The only thing that I had written down—but you did clarify it in your oral presentation—was just under information gathering, some of our observances, that it might be very valuable for us to observe other standing orders and practice. That's very important.

I think we should probably move a motion in order to get working, in order for us to start that process. I don't know if anyone has a motion they'd like to put forward.

**Mr. Jeff Leal:** I could certainly move a motion.

**The Chair (Mr. Garfield Dunlop):** Before we move that one motion, Mr. Clark had a comment, too.

**Mr. Steve Clark:** I'm sorry, Mr. Chair. Let's get the motion on the floor. I'll defer my comments.

**The Chair (Mr. Garfield Dunlop):** Okay. So we do have a motion?

**Mr. Jeff Leal:** Yes, I'll move a motion and then we can start the discussion, and we'll see where we land: that the Standing Committee on the Legislative Assembly direct the committee clerk to develop a work plan on amending the standing orders of the Ontario Legislature, including research, public hearings, travel and report writing, both interim and final, beginning no later than April 1 and ending no later than June 30, 2012.

So we can start the discussion and then there may be some amendments to that.

**The Chair (Mr. Garfield Dunlop):** We've heard that motion. Questions? Mr. Bisson?

**Mr. Gilles Bisson:** Just as an amendment, I would say that we have until August 31, in the sense that this particular—if we need to go through the summer, we need to go through the summer.

**The Chair (Mr. Garfield Dunlop):** Okay. Amended?

**The Clerk of the Committee (Mr. Trevor Day):** We're moving that to August 31?

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod, you had a question?

**Ms. Lisa MacLeod:** I thought we could just put the vote if he's fine with that.

**The Chair (Mr. Garfield Dunlop):** Okay.

**The Clerk of the Committee (Mr. Trevor Day):** So just to be clear, the question now is—what Mr. Leal has said, but the dates are no later than April 1 as a start and no later than August 31 as a finish. Does that work for the committee?

**The Chair (Mr. Garfield Dunlop):** Any other comments on that? Those in favour of it? That's carried. Thank you.

**The Clerk of the Committee (Mr. Trevor Day):** Then, I guess, just as a first suggestion, this first item here, how does the committee feel about inviting the Clerk to be in at our next meeting, on March 28, to make a presentation?

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson?

**Mr. Gilles Bisson:** Absolutely. As you know, I suggested that at the last meeting, because I think the Clerk, and the clerks in the plural, have an historical view in regard to how the standing orders have worked and not worked over the years. They've been present when it comes to most of the changes that have been made. So I think it's good information for us to have the Clerk.

What I'm looking for from the Clerk is not just an historical—I'm just going to wait for the clerk to get back. I'm just waiting for you to get back, Trevor.

What I would want from the Clerk is not so much an historical, just, you know, "This is how Parliament works," but what I want to know from the clerks is—they've lived through most of the changes in the standing orders since the 1980s. We started changing the standing orders in about 1985. A lot of those changes were done, quite frankly, for political reasons, by all parties, mine included. I'd like to hear their views about what can we do in order to try to fix this place so it actually works for the members, and specifically, what do they recommend as changes to the standing orders from that perspective but also from a housekeeping perspective? Because you'll note there are a number of inconsistencies within the standing orders, and it would be good to hear from the clerks on those inconsistencies.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Clark?

**Mr. Steve Clark:** I think it's very important that we do have that report on best practices. Not really knowing how this discussion was going to go, I actually have a motion that I'd like the committee to consider. I'll read you the motion. It's that the Standing Committee on the Legislative Assembly—

**The Chair (Mr. Garfield Dunlop):** We have one motion before the committee now.

**The Clerk of the Committee (Mr. Trevor Day):** We've carried it.

**The Chair (Mr. Garfield Dunlop):** Oh, it was carried, yeah. Okay, I'm sorry. I just wanted to avoid confusion.

**Mr. Steve Clark:** I think we need that report on best practices, not just on the standing orders, but also—and I know you're aware of this; it came up at your inter-party meeting about the boards of internal economy, so I think it's important.

The motion that I had—and I'd put it on the floor for discussion—is that the Standing Committee on the Legislative Assembly direct the legislative researcher to provide a report on best practices on standing orders and boards of internal economy throughout the Common-

wealth, and I think that would probably address some of what Mr. Bisson just spoke about.

**The Chair (Mr. Garfield Dunlop):** We're just not clear on whether the Board of Internal Economy has any authority over this.

**Ms. Lisa MacLeod:** May I just speak to that? I know Mr. Bisson and Mr. Leal were here, and we had agreed yesterday at the parliamentary liaison working group that we would actually request your organization, through the legislative researcher, to provide us with that information for the Board of Internal Economy, so that the three of us who are on that working group could bring it to that larger group. That's why it's joined in with the standing committee, because we felt that it was—if you'd like us to sever the motion, we could do that.

**The Clerk of the Committee (Mr. Trevor Day):** All I was going to say was that the motion that gave us membership in the House had stated that, aside from the 111(b), this committee would not look at anything else until it completed a review and study of the standing orders. I just wanted to get some clarification—it may be fine—to make sure that—

**Ms. Lisa MacLeod:** Sure. From our perspective, it wasn't necessarily for us to deal with at the Board of Internal—just for the background, it wasn't for us to deal with the Board of Internal Economy right now. It was effectively that we could get the research to bring it to the parliamentary liaison working group, which Mr. Bisson chaired yesterday, and if that group decided, through the House and the House leaders, to direct us to look at the BOIE at some point in time, we would already have that research done.

**The Clerk of the Committee (Mr. Trevor Day):** And it is fine. It may just be a case of splitting hairs. It may be something that, outside of that, we could accomplish through going to research directly and saying, "Do it," but again, I think we may be splitting hairs.

**Ms. Lisa MacLeod:** Okay. So if you can look into that for us, that would be great.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson?

**Mr. Gilles Bisson:** Just to clarify a little bit further to that point: What the House leaders were asking for is that, rather than us as House leaders going out and reinventing the wheel, we charge the Legislative Assembly committee with getting not legislative research but the clerks to take a look at the best practices when it comes to the structure of the BOIE and to take a look at—the Clerk will know what this is all about. I'm not going to get into the whole debate at this meeting, but to have the Clerk do that, and if she needs to have legislative research, it can do that—but to give us some recommendations about how we can fix the board so that it actually functions. Ottawa, for example, has a two-one-and-one kind of model, if it was extended to our Legislature, right?

1320

**The Clerk of the Committee (Mr. Trevor Day):** So will we, on behalf of the committee, be making that request of the Clerk's office?

**Mr. Gilles Bisson:** Yes, that's what we're asking.

**The Chair (Mr. Garfield Dunlop):** Okay.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Any other comments, questions?

**Ms. Lisa MacLeod:** Put the question. Can we vote on it?

**The Chair (Mr. Garfield Dunlop):** Mr. Leal?

**Mr. Jeff Leal:** No.

**The Chair (Mr. Garfield Dunlop):** Any other comments, then?

**Mr. Gilles Bisson:** So the motion—I just want to make sure it's clear. We're directing the Clerk, not legislative research.

**Mr. Steve Clark:** No, my motion is legislative research.

**Mr. Gilles Bisson:** I would like to amend that we direct the Clerk.

**The Clerk of the Committee (Mr. Trevor Day):** So a request of the Clerk.

**The Chair (Mr. Garfield Dunlop):** We've heard the amendment. In favour of the amendment? Okay.

In favour of the overall—the first, the motion? Carried.

The question I'd like to ask now is, will the Clerk be at the next meeting?

**The Clerk of the Committee (Mr. Trevor Day):** If that is the will of the committee, that's the will.

**The Chair (Mr. Garfield Dunlop):** If that's the will—okay, so next week.

**Ms. Lisa MacLeod:** Further to that, may I ask the clerk and the legislative staff to also draw up a list of possible invitations to this committee? Where I think we may need to look are a few different places. One is possibly the Clerk of the House of Commons, and whether he appears here or we actually go to Ottawa is something we need to look at.

**Mr. Gilles Bisson:** Why don't we get Bosc and O'Brien? They can autograph my books.

**Ms. Lisa MacLeod:** I think we should actually take this seriously. The last time that this exercise was completed, we really didn't do this as thoroughly as we possibly could.

There are other people who have written on process and procedure, not only those who are actually experts who have written books, but there are actual journalists on Parliament Hill who have, from time to time, talked about process. We may want to look and speak with them.

Certainly, I think it's worthwhile talking to some former members, and I'll name a few who I think we may want to speak to. Definitely, Norm Sterling would be a good member to have a conversation with, as would Peter Kormos. Now, that's not an exhaustive list. Those are two people who I know from my time—

**Mr. Gilles Bisson:** Hang on. Hold it.

**Ms. Lisa MacLeod:** Well, those are two people from my time here who I thought would have some experience, and possibly our former Speakers. It's not that they

may all accept to appear, but they might be people who could give us some wise counsel, either informally or formally.

**The Chair (Mr. Garfield Dunlop):** Mr. Leal?

**Mr. Jeff Leal:** A person we may want to consider is the gentleman who was the longest-serving Speaker in Ottawa, Peter Milliken. I think he has been acknowledged by all sides that he was one of the most effective Speakers. But now that he's away from the Speaker's chair in Ottawa, he may have some very interesting reflections.

Just as an aside, believe it or not, there are some people in my riding of Peterborough who watch, through a satellite connection, Westminster. What has always struck them about Westminster—of course, at Westminster, the Prime Minister only appears once a week for question period. But, in fact, at Westminster, even the opposition—all the questions are written out well in advance and the ministers get to see those questions. What it has done in Westminster—

*Interjection.*

**Mr. Jeff Leal:** I'm sorry. I stand corrected. Thank you, Gilles. But what that has done is, and my understanding from—people who watch this tell me that question period becomes question period and, in fact, that there's research done in terms of responses through the Speaker's office. I'm just providing that as a bit of a commentary.

**Ms. Lisa MacLeod:** And I would echo Mr. Leal's point of view on this, because I actually a couple of weeks ago took the time to watch on CPAC what they are doing in Great Britain, and I think it would be very valuable for this committee to actually observe the very foundation of our parliamentary democracy at work, not only in question period, but I'm sure that either through television or other means we might be able to observe that.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Ms. Lisa MacLeod:** This is, I believe, sort of a once-in-a-lifetime opportunity for those of us in this assembly to actually, I would say, almost restore democracy here, because I think from time to time it doesn't make an awful lot of sense how our rules and procedures allow us to participate.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Bisson?

**Mr. Gilles Bisson:** I invite and I welcome the invitation of various people who have something to say, like former Speaker Milliken and others, but I just really warn members in a sense that our standing orders are very different in some ways to what the standing orders are in Ottawa. So I think it was Mrs. MacLeod who talked about bringing back former House leaders, former Speakers of this Legislature, maybe the former Clerk, Mr. DesRosiers—people who have actually worked with the Ontario Legislature; I think that would be really valuable because now that they're removed, they're free to say what they want and possibly give us some good advice. Because, as all of us read the standing orders, Ottawa is

very different than Queen's Park when it comes to how we operate in some ways, and very different than—

**The Chair (Mr. Garfield Dunlop):** We will be inviting the Clerk to the next meeting. We've got these other names we can now add to the possible invitees.

**The Clerk of the Committee (Mr. Trevor Day):** What we'll do is, we can compile a list with the Clerk's office about a list of people you can sort of choose from—

**Mr. Gilles Bisson:** Then we can select.

**The Clerk of the Committee (Mr. Trevor Day):** So we'll put together a list of people, possibilities; you choose, and then we'll send out invitations and see what we can do to actually bring them in.

**Ms. Lisa MacLeod:** Thank you.

**The Chair (Mr. Garfield Dunlop):** What else do we have on the agenda?

**The Clerk of the Committee (Mr. Trevor Day):** We'll be back here again next week. The Clerk will have a presentation, and we'll move on from there.

**The Chair (Mr. Garfield Dunlop):** Okay, is there anything else anyone would like to add today?

**Mr. Larry Johnston:** Are there any requests for research?

**The Chair (Mr. Garfield Dunlop):** Any requests for research? Oh, we're going to just load it all on you at the same time.

*Interjection.*

**The Clerk of the Committee (Mr. Trevor Day):** Sorry, another point—

**Mr. Gilles Bisson:** Just one other thing before I forget; yes, there is one other thing, thank you. I wrote it down here, but we never got to it in chronological order. We, as caucuses, are going to be coming back with some suggestions ourselves, so I kind of envision what's going to happen is that next week, we get together; we hear from the Clerk. The Clerk lays out her sense of where things are at, what are the housekeeping things that should be done and possibly what are some of the things that we need to do to change how this place operates to give members more ability to do their jobs. But I'm sure the Liberals, New Democrats and Conservatives are also going to have suggestions as to rule changes, and so we would do that some time, I would think, after we've heard from the Clerk and put it into the mix.

**The Clerk of the Committee (Mr. Trevor Day):** Basically, I don't know if there's a copy here of—what we've looked for is, the background information section would be, in fact, the Clerk coming forward with some possible stuff; defined areas of study would be, I guess, breaking off stuff that we're not—

**Mr. Gilles Bisson:** That's what I wrote; I wrote "caucus" under that.

**The Clerk of the Committee (Mr. Trevor Day):** The proposed recommendations—I have below, after we do some information gathering, after we've sort of had a sense to get a feel for possible other jurisdictions, stuff like that, at that point, before the report writing is where

that would come in, and we could have the Clerk back to look at implications of some of the suggestions. But that's the point I sort of saw it as, under that.

**Mr. Gilles Bisson:** I only raise it because there's going to be some changes that I think we're going to agree on fairly quickly. I'm just using one for an example, I think it's standing order—oh, God, how could I forget? It used to be the old standing order 126. What is it called now? Is it still 126?

**The Clerk of the Committee (Mr. Trevor Day):** Still 126.

**Mr. Gilles Bisson:** Standing order 126 that calls on a two-thirds majority to do a review at a committee; I think we can agree it should just be a clear 50%. So there are things like that that I think we're going to agree to fairly quickly, and I don't want to put that too far down the order so that those things that we can all agree on in consensus—that's the best way to be able to move forward, that we just put that package together.

I want, if we could, after we've heard from the Clerk, we should start turning our minds to those things that we think we can propose as changes, some of which are not going to be acceptable by other parties, but we'll whittle that down to an acceptable package so we can move that forward.

**The Clerk of the Committee (Mr. Trevor Day):** If I may, that may be something that would work in the defined areas of study to get them out—

**Mr. Gilles Bisson:** That's where I put it.

**The Clerk of the Committee (Mr. Trevor Day):** Yes, get them out early.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Leal?

**Mr. Jeff Leal:** In fact, Mr. Chair, just to follow up Mr. Bisson, the areas that we have a consensus on, that may appear in the interim report, that we've got 15 items that there's a broad consensus on that we can move forward quickly with and get those changes, and then we'll have the second tier and maybe the third tier; the third tier probably being the most controversial and the first tier being the ones we achieve consensus on and get them implemented ASAP.

**Mr. Gilles Bisson:** I just say that because I think caucus is going to have to, today, start turning their attention to those changes in the standing orders that you want. I don't care, do it as a shopping list; if you want to put a huge shopping list, that's fine. But I think at one point, once we've heard from the Clerk and we get the defined areas of study, we can start finding out where we do agree so that we can put that package forward sooner rather than later.

**The Chair (Mr. Garfield Dunlop):** Okay. So we'll look forward, then, to the meeting with the Clerk next week.

Do we have anything else today from anyone?

**The Clerk of the Committee (Mr. Trevor Day):** Sorry, just one thing: You had requested standing orders from other jurisdictions. I have the links, and they'll be

emailed out to every member, but there are links to each of their standing orders, just to get you started.

**Ms. Lisa MacLeod:** And again, don't think that you need to go to the entire Commonwealth, but I think some places that are natural are other Canadian provinces, obviously the federal Parliament, the British Parliament, perhaps the Scottish and Irish—

**The Clerk of the Committee (Mr. Trevor Day):** On the first request, I believe we went federal, Britain, Northern Ireland, Scotland; we threw in Australia as one that we mimic—

**Ms. Lisa MacLeod:** Okay.

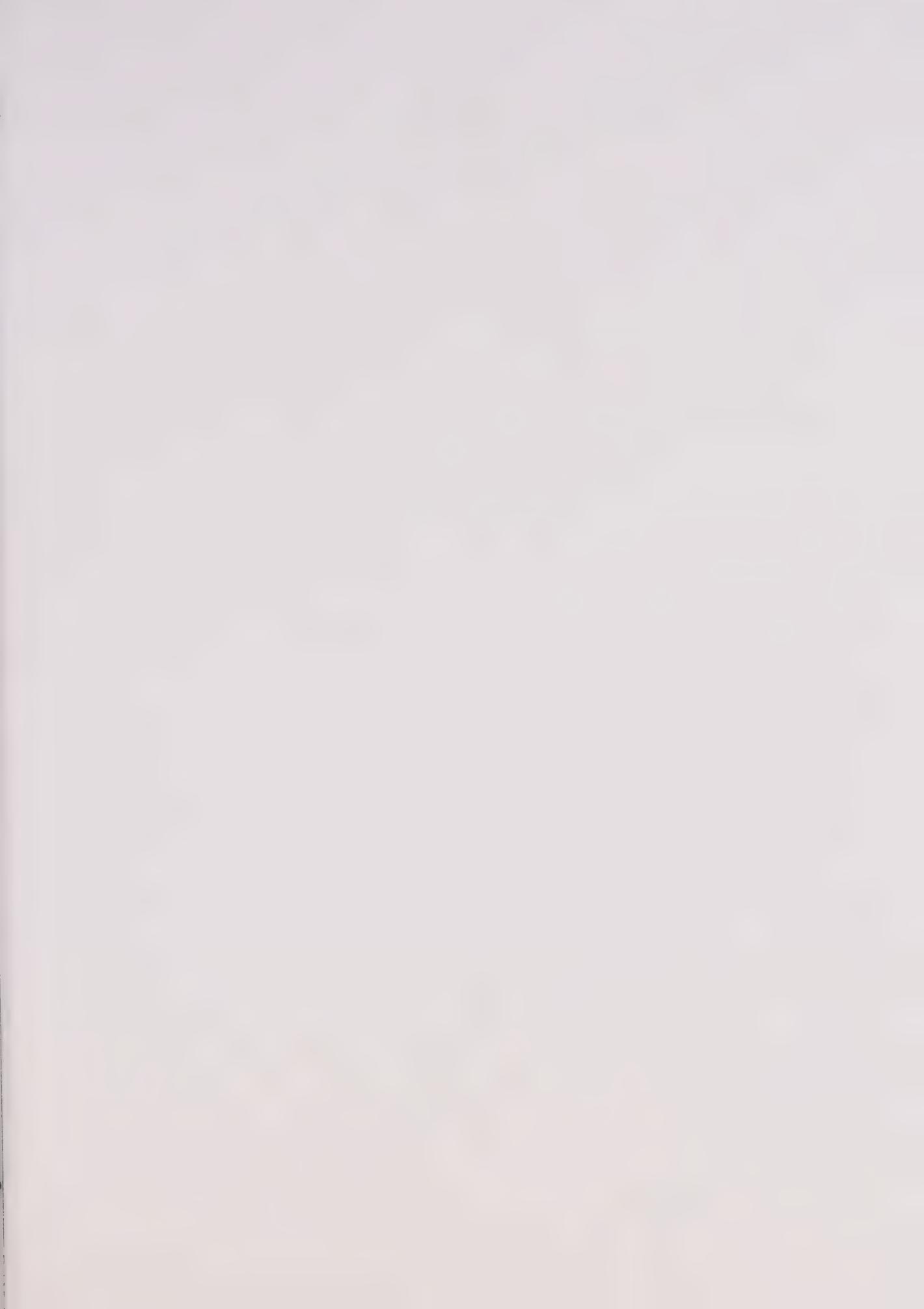
**The Clerk of the Committee (Mr. Trevor Day):** So that's the starting point. If you have more, please get them to us and we'll get you those links.

**Mr. Steve Clark:** That's a good start.

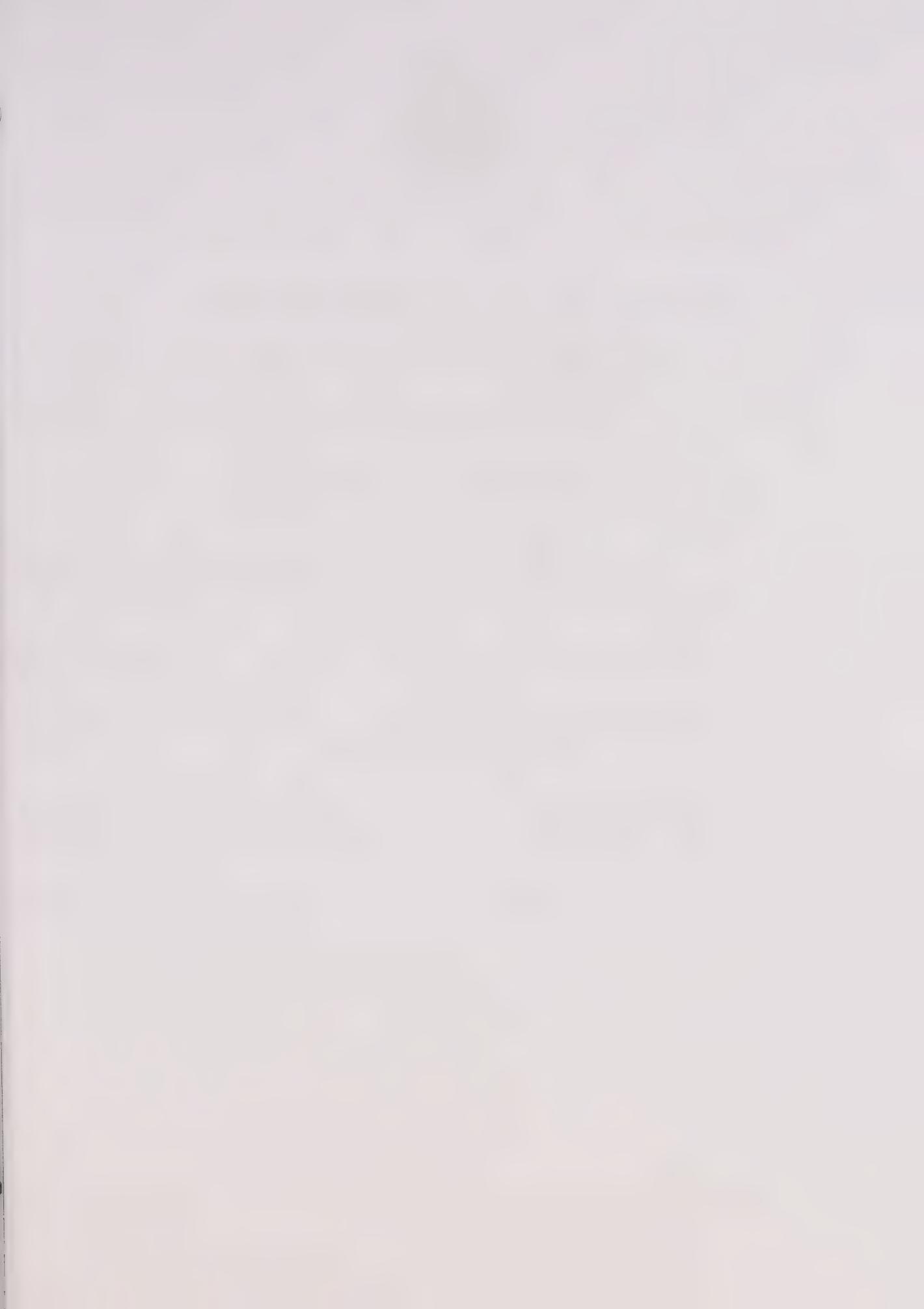
**Ms. Lisa MacLeod:** I'm excited. I'm very excited. Nothing gets a person more excited than rules and procedures.

**The Chair (Mr. Garfield Dunlop):** Anything else, anyone? Okay, we'll see you next week. The meeting is adjourned until next Wednesday at 1 o'clock. Thank you, everyone.

*The committee adjourned at 1330.*







## **CONTENTS**

Wednesday 21 March 2012

Committee business.....	M-15
-------------------------	------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

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M-4

M-4

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**Assemblée législative  
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**Official Report  
of Debates  
(Hansard)**

Wednesday 28 March 2012

**Journal  
des débats  
(Hansard)**

Mercredi 28 mars 2012

**Standing Committee on  
the Legislative Assembly**

Standing orders review

**Comité permanent de  
l'Assemblée législative**

Examen du Règlement



Chair: Garfield Dunlop  
Clerk: Trevor Day

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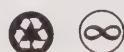
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 28 March 2012

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 28 mars 2012

*The committee met at 1300 in room 228.*STANDING ORDERS REVIEW  
OFFICE OF THE CLERK

**The Chair (Mr. Garfield Dunlop):** We're ready to start, everyone. I call the meeting to order. Can I ask one of you guys to grab that door? Because we've got a delegation outside. Thanks very much. That's just to keep our noise down.

Welcome to the Standing Committee on Estimates. I'd like to welcome Todd, Deb—

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm in the wrong committee.

**The Chair (Mr. Garfield Dunlop):** Oh, I'm sorry. Welcome to the Standing Committee on the Legislative Assembly. I apologize for that. We're very happy to have Deborah and Todd today to represent the Clerk's office on some possible changes to the standing orders.

I talked it over very briefly with Deb and Todd, and we thought she'd start with a presentation. As people would like to ask questions along the way, we'll get fairly informal. I'll try to direct all the questions through the Chair, but let's keep questions coming up as they go along. We're here between—we have 1 to 3. Is that okay with you folks, if we go right to 3 o'clock? All right. I wasn't sure. So if that's the case, then, Deborah, if you could proceed, that would be great.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. So, first of all, thank you very much for inviting us to kick off your standing order review.

Following on what the Chair said: From our point of view it would be great if we could have this kind of a conversation at several points along the route of your review, for a couple of reasons. One is that there are things that we may not cover today that we would like to come back and cover with you. Also, though, there is always a danger when you're doing standing order amendments that there are unintended consequences as a result of certain things. So it helps us if we can take a look at some of those things you're thinking about and then come back to you and discuss maybe what some of those consequences might be. So what we're hoping is that this is the first of a number of conversations between us and the committee.

I think it's important, and I've said this to this committee before: The standing orders are but one com-

ponent of what makes up parliamentary procedure. There are years of precedent and practice; there are constitutional contexts; there are references to authoritative texts and also some reference, as you've seen, to other jurisdictions in instances where we're confronted with situations that we haven't seen here before. But essentially, all of those elements emanate from, and should remain faithful to, the principles of parliamentary democracy that this place is built on. Sometimes there have been people that have been engaged in reviewing or even proposing changes to the standing orders who don't really understand what those underlying principles are, and I think it's important that you keep those in mind as you move forward.

Having said that, the standing orders also should be a living document. They should change from time to time so that they are kept up to current, modern members' roles and responsibilities in the House.

The other thing to keep in mind is that there are some things that I think I've heard members talk about in terms of changes they'd like to see that actually don't require standing order changes. But—

**Mr. Gilles Bisson:** I hope you haven't started without me.

**The Chair (Mr. Garfield Dunlop):** Yes, we have.

**Mr. Gilles Bisson:** It's just 1 o'clock.

**The Clerk of the Assembly (Ms. Deborah Deller):** Not anything important.

**The Chair (Mr. Garfield Dunlop):** Go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** I've forgotten where I was already.

**Ms. Lisa MacLeod:** I'm writing everything down. You were saying that some changes—

**The Clerk of the Assembly (Ms. Deborah Deller):** —don't require standing order changes. There are certain changes that are simply cultural changes to the way that the members operate in the House, or conduct themselves, even. There are other changes that aren't as a result of standing orders but a change to a tradition that might be commonly agreed to by all members of the House, and I'm referring actually to one of your proposals, Mr. Clark.

Electronic devices in the House, for example: There's no standing order that says that you can't have electronic devices in the House, but there is a strong tradition in our House that electronic devices are not allowed. So if this committee wanted to go down that road of considering

that, it would not necessarily require a standing order change so much as an agreement of the House to allow electronic devices and maybe put some parameters around those.

When you're looking at the standing orders and how to change them or the rules of the House, I think you have to understand the role of the executive, the role of the legislative and the private member. Our system is one that is based on the Westminster parliamentary model. It's a responsible government model. Essentially, the opposition has the right to have its say, but ultimately the government holds sway. In other words, the government does have the right to govern. The opposition can dissent from decisions the government makes and promote alternative policies, but in order for Parliament to operate effectively, the opposition dissent really should stop short of complete obstruction, and the government, for its part, needs to show some reciprocal respect for the right of the opposition to oppose.

Actually, members have kind of alluded to that sometimes in debate in the House in referring to the role of the opposition, and also in referring to the ability of the government to entertain ideas, amendments, whatever, from the opposition side of the House.

So any amendments that you consider to the standing orders really should be considered in that context. A really easy way to remember it is, the opposition must have its say; the government ultimately holds sway.

The other thing that's important, I think, is to consider your review not only from the side of the House that you currently occupy, but from the side of the House that you may occupy somewhere down the road. So the changes that should be entertained are changes that improve the institution, not necessarily your particular situation on the side of the House that you currently sit on. Those are good standing order changes to make.

We've had a number of processes for amending the standing orders in the past. Some have worked really well; others not so much. The ones that have particularly worked are the ones where there is a serious, comprehensive commitment to the standing orders as a whole, looking at the entire piece of work, not just elements that are of concern to a particular side of the House at a particular moment.

The kinds of standing order reviews that have worked really well: I would say one of the best was one that was engaged by this committee in its previous incarnation as the procedural affairs committee. They developed a very thick report in, I think, a couple of volumes, and that brought us things like questions and comments; it brought us things like opposition days. So that was a really good study that was done by that then committee, but it did require that all of the members work together. They achieved some consensus in developing—

**The Chair (Mr. Garfield Dunlop):** Lisa's got a question—and that's what we agreed to do, just as we go along on this.

Ms. MacLeod.

**Ms. Lisa MacLeod:** Thank you, Clerk. The question I have with respect to the procedural affairs committee and their report is: How did they arrive at their report? I would like to know what their process was. Sometimes people want to talk about content and specific issues right off the bat, but I'd like to sort of make sure that we lay out a process first so that we actually can arrive at—maybe not exactly what we want, but a better outcome. I'm just wondering what that process was, so that if we engage similarly in what we've been asked to do by the House leaders and ultimately by the House—how did they arrive at two thick volumes of research that actually have made some substantial changes here?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm going to get Todd to lead off on this because I thought he had clerked that committee; in fact, he was the assistant clerk. So he had direct involvement in that.

**Ms. Lisa MacLeod:** It must have been just yesterday that he was an assistant clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. So his powers of recall are good.

**The Deputy Clerk (Mr. Todd Decker):** Part of what was going on at the time was that the Ontario Legislative Assembly was, I think, kind of inspired by what was going on at the House of Commons. They had a committee called the McGrath committee that was going on, and it was really looking at a fundamental overhaul of bringing the House of Commons into modern times. So they were undergoing that exercise and had already done a few reports. I think at that time our members were looking at what was happening there and deciding that that was a very good exercise; that was worth doing. In fact, as Deb said, some of the things, like members' statements, opposition days—those were procedures that, in some form or another, were actually lifted from work that the McGrath committee did for the House of Commons and were adapted for our own needs.

1310

In terms of approaching the work, it actually wasn't very different to what's being done in this case. The committee at that time took its permanent order of reference, its authority to look at standing orders, and made the decision that they were going to do a very comprehensive, long-term look at parliamentary procedure in pieces. They looked at the role of witnesses. There were four different reports in total. They met with the Clerk. They got input from procedural experts. They made some decisions to look at what other parliaments were doing—exactly where you're at now—and just getting input and receiving ideas. It was all fuelled, I think, by a genuine desire at that time to question the way that the assembly was doing things and was there a better way to modernize?

**Ms. Lisa MacLeod:** So just two quick questions—and thank you very much, Todd. The question that I have then: Would the McGrath report or committee—was that in the early 1980s?

**The Deputy Clerk (Mr. Todd Decker):** It was about a three- or four-year process. Yes, it was in the early

1980s. In fact, Deb's predecessor as Clerk of the House, Claude DesRosiers, was very actively involved. That was partly why when Claude came in, in 1984, he brought with him to this assembly immediate knowledge of exactly what was happening in the House of Commons as well.

**The Clerk of the Assembly (Ms. Deborah Deller):**

He in fact clerked the McGrath commission and—

*Interjection.*

**The Deputy Clerk (Mr. Todd Decker):** He became Clerk of the Assembly in 1984.

**Mr. Gilles Bisson:** No, no, I thought he clerked the procedural committee here.

**The Clerk of the Assembly (Ms. Deborah Deller):**

No.

**Mr. Gilles Bisson:** No? Okay.

**Ms. Lisa MacLeod:** First of all, that's great. I just wanted to know the time. We're obviously due for a holistic research approach to this. It's obviously been 20-odd years.

The second thing—and this is maybe something Legislative Assembly researchers can dig up for us, but perhaps it would be useful for us to look at both of those documents, from the procedural affairs committee as well as the McGrath committee. I think we're now at a time where we actually have to modernize our chamber for a variety of different reasons. The House today really is different than it was 20-some years ago: There are more women, there are more people from new-Canadian backgrounds, and there's an ability for us to do that.

The other thing, however, is that perhaps over the years we have lost our way a little bit in allowing government to govern but also the opposition to have an effective say. I think we're actually at a very good time and at a very good point in being able to do that, but I think it would be helpful for all of us to review the research that was done in the past.

**The Clerk of the Assembly (Ms. Deborah Deller):** The reports are extremely lengthy—both of them. Certainly, we can make copies available to you. What might be an idea is to have copies available to the committee and we can actually do a kind of summary note for you of them so that if you don't want to walk around with the entire reports, then you can—

**Ms. Lisa MacLeod:** Yes, I can't really carry much more than these standing orders that were sent out to me the other day.

**The Clerk of the Assembly (Ms. Deborah Deller):** The other thing we might look at for you is that at Westminster in the UK, over a number of years under Tony Blair, they had a modernization committee, a committee on modernization of Parliament. They made certain proposals as a result of those committees, and made certain changes. Some of them worked; some of them didn't work. But it would be also worth looking at some of the documents that they developed and some of the changes that they have made, I think for the better, in the operations at Westminster. Again, going down the road,

we can flesh those out a little more for you. I also have a suggestion which I'll get to a little bit later but—

**The Chair (Mr. Garfield Dunlop):** Mr. Leal had a question as well. Is this going okay for you, Ms. Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** It's fine.

**Mr. Jeff Leal:** Thank you, Mr. Chair.

Deb, I'd like to know, from the report that was done by the procedural affairs committee, how many recommendations were made at that time and how many were implemented? And for the ones that were not implemented, it would be nice to have some commentary why they were not implemented. There may be something they recommended that was not implemented back a number of decades ago that may be more relevant today for us to get some food for thought.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay, we can get that for you. I can do that for you.

**Mr. Jeff Leal:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Go ahead, then, please.

**The Clerk of the Assembly (Ms. Deborah Deller):** Since that time of those more comprehensive reviews—and there were other forms of comprehensive reviews; that just happened to be the largest one in this Legislature. Since that time, there has been a more piecemeal approach to amending the standing orders. As a dispassionate observer, I would say those are the things that probably haven't helped the institution a whole lot. It's understandable what has happened over time. One of the time-honoured ways that an opposition in a Parliament has had to oppose is to filibuster, to talk, and to talk things out, but we had an occasion where there was an extended filibuster, a speech that went on over several days—17 hours—so essentially what happened was, at that point, the opposition was engaged in obstruction. I should say that all of this has happened over time and over several administrations—every party, notwithstanding which party may have been in government or in opposition.

The government reacts to that in the way you would maybe expect, because they have to be able to govern. So what happened as a result of that is that we then saw time limits on speeches being imposed, and then, once we had time limits on speeches, one of the unintended consequences of that was—previous to that, third readings in the Legislature got passed sometimes in very quick measure and often on the nod, because there had been a full and fair discussion at second reading and in committee. The unintended consequence of the imposition of time limits on speeches was that, then, the reaction from the opposition was to, in every case, use the maximum amount of time to debate at third reading. So, in an effort to kind of contract consideration of legislation, it did have the consequence of expanding it in part through a longer debate at third reading.

Then you end up with a situation where the opposition now can't oppose by way of talking something out, so they engage in other tactics. So we end up with an oppos-

ition that reads petitions for an entire afternoon to prevent the government from getting to orders of the day, and then does it again the next day, and then the third party engages in that same tactic.

So now the government reacts by saying, "Well, we can't have this, so we're going to impose a time limit on petitions." The little bit of trivia here is that petitions, before we had a 15-minute time limit, took, on average, six minutes in every day of the legislative schedule. Now we have a time limit of 15 minutes, and you know what happens. The 15 minutes has expired by the end of the day. You know, again, there's an unintended consequence.

The petitions having been dealt with, the next tactic that the opposition engaged in was to read a title of a bill that contained the name of every body of water in the province of Ontario, so the reading of that bill took the entire legislative day, and at 6 o'clock, the Speaker had no choice but to adjourn the House until the next sessional day, and then we engaged in the same kind of thing the next sessional day. The government reacted as one would expect: "We can't have this." Now there is a time limit on introduction of bills at 30 minutes, and no single bill can take longer than five minutes to introduce.

What I'm trying to get at here, though, is that little by little, the processes in the House have been ratcheted down and the opposition given fewer and fewer opportunities to express opposition and displeasure with government initiatives, that the tactics have become, over time, much more extreme, and then the government, over time, has reacted sometimes in a fairly heavy-handed manner.

So we have a piecemeal amendment process that has gone on over time to the standing orders that I think it's arguable may not have been in the interest of the institution as a whole.

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod.

**Ms. Lisa MacLeod:** Thanks very much, Clerk. That was, I think, a great history lesson for us, albeit abbreviated.

I'm wondering in terms of our approach at this time, and I don't think by any stretch any of us here want this to be sort of piecemeal. We would like to do it in-depth, provide a good report, perhaps even an interim report to the House and to our House leaders to talk about reforming this place or restoring the appropriate balance.

I'm wondering, from your experience, through your travels, if there is an assembly that does have the right balance with—I don't know—best practices that we may want to observe or research or make contact with, that we could benefit from.

1320

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess first of all I would say that you have to explore how things—you don't have to, but it's beneficial to explore how things are done elsewhere. I can't point to a single jurisdiction that generally has practices that are better than the ones we have here. I think that if you do travel and visit other jurisdictions, what will strike you is

how similar other jurisdictions are to this one. I think you may be interested in some aspects of what actually works better here than in other jurisdictions. I think there are areas, places, that it would be worth taking a look at because of some of the practices that they have developed.

The Parliament of Scotland is one. The reason that Scotland is such an interesting place to look at is that Scotland has the advantage of having developed its Parliament very recently. They didn't have all of that hundreds of years of traditional practice that they needed to consider. They could really start from scratch. A lot of the things they did in terms of petitions, for example, and public consultation processes are interesting to take a look at because they came at it very fresh, and they could pick and choose the things that worked best for them.

I think it's worth visiting the Canadian House of Commons. There are some interesting things they do. A little bit later on in my discussion, I wanted to get into private members' public business a bit. The House of Commons has developed a process for private members' public business that I will say, with all due respect to my federal colleagues, is extraordinarily complex. It's probably not something that you would want to adopt for this place holus-bolus, but there are elements of it that might work. I can get into that a little bit later on.

There are practices that have been developed in Australia. Australia has—many jurisdictions in Australia, in any event, have a very sort of modernistic approach to their Parliaments.

It may not be possible, especially in this Parliament, for this committee as a group to travel that far afield. But what we can do, if that's not possible, is to bring people in who are very familiar with some of those processes, once we identify which ones you're particularly interested in, to come and speak to you about that.

There are a number of places that I would recommend, and through Trevor, I can give you a list of those places once you've kind of refined your scope a little bit so that we know what specific areas you are interested in looking at. Where possible, if you can go and visit some of those other jurisdictions, I would highly recommend that. It's always better to see something in operation rather than try and understand it from what somebody is telling you.

**The Chair (Mr. Garfield Dunlop):** We have a question here from Mr. Bisson to kind of break in.

**Mr. Gilles Bisson:** Just on that point to the Clerk: I would appreciate—I don't want a big shopping list, obviously: "Here are the Legislatures you might be interested in." But I'd be more interested in getting something a bit more specific, a list of, "Here's something interesting they're doing in Australia when it comes to committee, when it comes to private members, when it comes to whatever," and sort of listing just a synopsis of what it is and any reference that we can have by Internet that we can go and take a look at. Then we can, there and then, decide if we want somebody to come to this committee or to do whatever. But I'd be interested in

knowing specifically what it is that Scotland or anybody else does that's interesting and that might be applicable here.

**The Chair (Mr. Garfield Dunlop):** Can we touch on, just very briefly, too, the role of electronic equipment in the Legislature? We're allowed BlackBerrys because there was unanimous support on a motion for that at one point. But what I'm curious about is: If you look at other jurisdictions, how much do they incorporate, for example, laptops on their desk etc.? I know that's not our responsibility as a committee, but can you explain to the committee, Deborah, exactly where that would fit in?

**Mr. Gilles Bisson:** Just on that point, you just need to look at page 3, Ottawa Sun, about two months ago. There are lots of pictures of laptops and people playing card games and all kinds of stuff.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's actually an interesting point. We have a survey which we can provide to you about what electronic devices are allowed in other jurisdictions and the rules around the use of those. In other words, most other jurisdictions don't allow the use of electronic devices during question period, for example. But we can give you that survey about what happens in other jurisdictions.

I think what the committee needs to consider, though, is what you are going to be allowing the electronic devices in the House to do: Does it relate to the purpose and work of the chamber itself or is it to allow members to become further distracted from the business of the House, to do other things?

I have to say, from a personal point of view, I was never very taken with the notion of allowing laptops in the House just for the sake of allowing laptops in the House. I will say, though, that the advent of tablets, iPads and PlayBooks has changed things in my mind, because we can see a purpose for those things in the business of the House.

We are currently writing up—I'm going to say something; I'm a little ahead of myself. But anyway, we are currently developing a mobile device policy for the Legislature because what we think we can do with things like iPads is push out all of the parliamentary documents to members on those things in a way that allows them to see, for example, amendments to a motion that we might be debating in the House at the moment that comes up on the screen, boldly; that has the agenda of the House; that identifies what votes are going to take place, what bills are on the order paper, all of that kind of stuff, and then get rid of a lot of the paper in the chamber. So we actually see a real advantage to the tablet issue, but the bigger question, rather than just "Can you use electronic devices in the House?" is, "What is it the electronic devices will be used for?"

**The Chair (Mr. Garfield Dunlop):** This has brought a number—there are three questions over here now. Before I go to Mr. Clark, is it under the scope of this committee's work to make any suggestions, or is it for someone else on that? I just wanted to get a clarification. I understood it was—go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** This committee is currently charged with doing a standing order review and nothing else until that standing order review is completed. I guess my advice would be that probably electronic devices in the House is not part of the standing orders. Certainly there could be a recommendation that it be made part of the standing orders; in other words, that the guidelines around the use of electronic devices in the House could be written into the standing orders.

**The Chair (Mr. Garfield Dunlop):** I think it's a very interesting topic, and I know we've got a couple of questions over here, three questions. First of all to Mr. Clark, then to Mr. Bisson, then to Mr. Schein.

**Mr. Steve Clark:** Just to clarify, the Clerk and I have had a couple of conversations about this, and while I may have been an advocate of free rein of electronic devices, I certainly have come more towards the thinking that the Clerk has outlined: that there are conventions that take place in other jurisdictions, especially those that use tablets, that I think are of major use to our discussions. If it means to put it in the standing order, to make it part of our committee's deliberations, then I certainly and wholeheartedly agree with that.

But I think the other issue that I've spoken to these folks about is just the fact that, again, as part of our modernization of the Legislature, I think we really have to look at how constituents access us. I know that we have the technology, for example, in the Amethyst Room, to live stream that committee room whenever we have hearings on a particular bill. I appreciate that this room, I don't think, has the technology to do that, but if we have the technology, and so many of our committees don't travel now in the province of Ontario, we need to use what technology we have available, in this building, to make sure that our constituents see us and access our deliberations.

So I don't know, again, if it needs to be incorporated in the standing orders, but I think it has to be a discussion point because we have a great opportunity to look at other jurisdictions. Other jurisdictions do a far better job at publicizing and televising their proceedings than our Legislature does, and I think that's a crime.

1330

**The Chair (Mr. Garfield Dunlop):** I think I'll just let the three questions be asked, and then we'll finish up.

Mr. Bisson and then Mr. Schein.

**Mr. Gilles Bisson:** Just very quickly, the Clerk is right in the sense that, although the Legislative Assembly committee can look at those things normally, because of the motion of the House we're charged with doing a particular task. So, to put it in context and in simple terms, that's where we're at. However, that being said, if this committee says that's something we'd like to recommend to the House leaders, so be it. That's number one.

Number two, I'm with the Clerk: I was a big bull when it came to bringing in laptops. I think it would be a mistake. That's only my personal view. I think we very much need to limit, because people do not pay attention

to what's going on in the House now. Imagine if you're able to play Hearts or Sudoku or whatever it is on your laptop.

The last part: I come from a riding that makes paper, Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** Oh, I apologize.

**Mr. Gilles Bisson:** Just remember, we need those paper mills running, all right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Listen, we're a Parliament. We are never going to eliminate paper entirely anyway. The permanent record always has to be a paper record, because 20 years from now we might not be able to read a CD-ROM.

**Mr. Gilles Bisson:** I know, but I'm just saying—

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, I understand.

**Mr. Gilles Bisson:** A dual system, please.

**The Chair (Mr. Garfield Dunlop):** Mr. Schein.

**Mr. Jonah Schein:** I'm really happy to have the two of you in the room. I'm actually really interested in what frustrates you when you go home at the end of the day. I think we're all here around creating good public policy together. There's detailed stuff that people are starting to ask, but I wonder, more in terms of framework—I mean, there are specifics that fit within that framework, but what are the things that are most frustrating, that get in the way of this place working for people in Ontario?

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** She's probably looking at them.

**Mr. Gilles Bisson:** If she were in the United States, she could plead the Fifth.

**The Chair (Mr. Garfield Dunlop):** Ms. Deller, you can answer all three of those questions now.

**The Clerk of the Assembly (Ms. Deborah Deller):** The whole question about what frustrates us at the end of the day is probably one that we may want to have in a different context, possibly at a different time.

There are certain things, though. I think that when the purpose of the House or the legitimacy of the House—which is my biggest frustration—is eroded by either rules that have been imposed or by the actions of the House itself, to me, that's a frustrating thing, because I think that in the minds of the public out there, there is already a level of cynicism attached to the process and to this place. When we contribute to that, it does a disservice to the parliamentary institution. Parliament is a critical part of the democracy that we live in, in this country, and it has to be respected. If it's not respected by the members who are participant in it, then I don't think you can hope to have it respected by the citizenry out there.

Just as an example, one of the things I want to maybe talk about a little bit, when we get into specifics, is debate in the House. In my mind, if the debate in the House isn't relevant to the subject at hand, and instead talks about everything else that may be making headlines that day or something, then you diminish the legitimacy of that process in the House and you don't serve it well,

because there's an assumption that it doesn't really matter what you talk about, when really, if you've got a bill, a piece of legislation before you, you should be giving that—what is going to be a law of the land—fair and full consideration, and talking about that specific piece of legislation.

That's one of those things. My recommendation, falling out of that, was: Take a look at the rules of debate. Maybe you want to consider, for example, strengthening the rules around relevancy. Give the Speaker a little bit more power to impose some will that the House will discuss this particular item. I think the presiding officers do a pretty good job at trying to bring people back to the subject at hand, but it's possible that you may take a look at those rules and just make them clearer. I think that's the other thing: Maybe the rules around debate aren't clear enough or they're not in modern enough language for members to fully understand exactly what it is they're intended to mean.

**The Chair (Mr. Garfield Dunlop):** Okay. Ms. MacLeod has a question as well.

**Ms. Lisa MacLeod:** Thank you very much, Clerk. When I arrived here six years ago, the member for Oxford, Ernie Hardeman, looked at me and gave me a piece of advice. He said, "You will enter into debate and this is the only place in the world where it is the quantity of what you say, not the quality of what you say, to pass the time." It's true. It's because we're set to speak for an hour, and when we talk about, what are the other repercussions—and I heard a few members laughing, but it is true. It speaks, I think, to your experience after you've been here a while to actually make relationships with stakeholders, but the reality is, when you're given a 20-minute speech and you're a brand new member, you're told, "Okay, you have to be part of the rotation because we do need to drag this out to actually give it the fresh set of eyes."

Do you know what the other unintended consequence is? We simply don't have the expertise in the opposition—and I will say this for the third party and the official opposition—to actually scrutinize legislation at a staff level. I think it becomes an onus on the members, and as the members become more experienced and understand the issues, and they get to know the stakeholders a little better, then it's not as difficult to pass that time with substantive information.

I think that's a big problem. That was the first thing that Ernie had said to me when I came, and over the time I have observed—and some of the best speeches actually come when somebody has an hour to pass time and they're actually talking about some local issues and they're talking about their own community.

I reference my seatmate, John Yakabuski, the member from Renfrew–Nipissing–Pembroke, who a couple of weeks ago probably gave one of the better speeches I've ever seen on the floor, but I'm not sure it stuck whatsoever to the bill that we were discussing.

I think that if we're going to go down that road, and it's one that I am probably in great agreement with you

on, there are some other issues that we have to explore there, and it is the resources in the opposition. I say this to my friends in the government who may one day see themselves there, that that is a challenge.

The second thing is, what do you suggest in terms of this committee for a recommendation? Right now, we have seven and a half hours to debate. We talk about, okay, we've got Bill X on the docket; everybody has an hour lead, so that cuts into three hours of time. Then we'll go into 20-minute rotations and then it's 10, and then it will likely be time-allocated if we're to proceed.

Again, how do you allocate the time, if you will, to ensure that there is substantive debate, notwithstanding the other issues that you have to deal with?

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. Since you said it first, then I feel that I have an ability to say what I have written here, which kind of follows along what you were saying, which is, in recent history, debates have been more about filling an allotment of time than providing a forum for informative and constructive discussion.

This was another unintended consequence, I think, of putting time limits on debate. I'm not advocating at all that—you can't turn the clock back. You can't go backwards. But there was a time—and this is maybe more to do with the culture of the place than the rules of the place. The rules already say that in debate you should be speaking to the motion under consideration at the time, but the culture that has developed is one of, "We've got to fill the block of time." Before we had time limits on speeches, there were members who had some knowledge or interest in the subject who spoke, and they spoke for whatever period of time it took them to make their point. Maybe it was 10 minutes; maybe it was an hour and a half or two hours. But members only spoke to say what they needed to say on that subject matter. In my mind, it made for better debate because members were speaking about something that they knew about.

There has been one of those recently. I listened with a great deal of interest and some satisfaction to the debate recently on subways. The reason I liked that debate was, if you remember it, members spoke largely without notes; they spoke from some knowledge of the subject at hand and with a high degree of passion, and it made for a really—take a look at the tape. It made for a really good debate. It doesn't matter what side of the House you sit on or what side of the issue you sit on; it was an extremely good debate.

1340

So we do have, you know, flashes of those good debates, but now, because it's more about filling time, there's a tendency among most of the members to use a very prepared, scripted document to read from, so the debate has become a little bit—

**Mr. Gilles Bisson:** Boring.

**The Chair (Mr. Garfield Dunlop):** You don't need to say it.

**The Clerk of the Assembly (Ms. Deborah Deller):** A little bit less interesting, less passionate, than it might otherwise be.

**Ms. Lisa MacLeod:** Well, I've never been accused of not bringing the passion to debate, Clerk. I've been accused of bringing a little bit too much.

But just in a quick follow-up, of all of the assemblies or Legislatures or Parliaments that you have seen, where have you seen the best free-flowing debate? And we'll take no offence if you don't say it's the Ontario Legislature. But where have the rules been where there has actually been that true debate of ideas?

**Mr. Bas Balkissoon:** Take the cameras away.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. Again, I think there are a number of places where you will see good debate. I have to tell you that I was in South Africa several years ago, and the debate in the Gauteng state Legislature was a phenomenal debate, because the members were speaking very honestly and passionately about the subject at hand. And they weren't very concerned with falling down on party lines; they were more concerned with giving a speech that was representative of the people they came to represent.

Somebody just said something about television. There are people who have all kinds of different opinions about whether television has helped or hindered the Legislative Assembly. I think there are pros and cons to the whole thing. I think one of the things it has done is, those people in remote areas do have the ability to see the Legislative Assembly in action, and that can't be bad, people who might not otherwise have the opportunity to watch the Legislative Assembly.

I will say this, though, in terms of speaking and debate and the quality of debate, and that is that before we had TV, my sense is that the debate was better, but I think the reason for that is not so much because of the cameras in the room. The reason for that is that members couldn't sit in their office, nor could the press, and watch the debate that was occurring on the floor of the chamber. In order to hear it, they had to actually come into the chamber, and my feeling is that when you as members stand up to make a speech, it must be very difficult to do that when you're speaking to a room that is sparsely attended, and those who are there aren't really paying a lot of attention. That makes it difficult to make a good speech, because in order to make a good speech, you need to get a reaction and a response from the people who are listening to it. We don't have that a lot anymore, because members don't tend to come into the chamber to watch.

**The Chair (Mr. Garfield Dunlop):** With that, we've got two or three questions. First of all, Mr. Leal, then Ms. Cansfield, and then Mr. Bisson.

**Mr. Jeff Leal:** Just a comment: Having come from a municipal background, quite typically in municipalities, your limit for speaking is exactly 10 minutes, in two five-minute blocks, on bylaws, and it was always my experience that because of that restriction, you tended to have a much more informed debate, a very focused debate.

One of the challenges I think we have here—and it's on all sides; government, opposition and third party—is that when you get into this business of an hour where 20 minutes of it becomes filler, you tend to get into the

partisan stuff, and you get on the slippery slope, and then you get everybody standing up on standing order 23(b) or (c), or whatever it is, to get back to the topic.

I always found—and Mr. Clark was the youngest mayor ever elected in Brockville—

**Mr. Steve Clark:** I'm old now, Jeff. I'm old.

**Mr. Jeff Leal:** He will probably be a supporter of Mr. Balkissoon—that because you put restrictions on speaking limits, you tend to get a much more focused and content-wise debate, which was better, just in my experience. People, city councillors and mayors, would do adequate research and tend to have a very focused debate. That's just an observation.

**The Chair (Mr. Garfield Dunlop):** Mrs. Cansfield.

**Mrs. Donna H. Cansfield:** Thank you, Chair. My question is around the issue of the debate and the substance of the debate not being specific to the bill or the issue at hand, and that's particularly common, unfortunately. The interesting issue for me is that the standing orders say that an individual can stand up and say that a particular member is not speaking to the bill, and then the Speaker references that. But should there not be a requirement that the Speaker is listening and they should stand up and say, "You're not speaking to the bill"? Far too often it goes on and on and on and the Speaker says nothing. It sometimes appears to be, unfortunately, partisan, where the Speaker doesn't appear to be neutral, because that can go on for too long. It happens in all parties, so I'm not speaking one to the other. Are there circumstances where in fact it is the responsibility of the Speaker to maintain that the debate that is in the House—to ensure that it's on the bill?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, I think there are, and I think presiding officers can and do try to make sure that members focus in on what the subject is, maybe not all the time, and maybe not, as you say, entirely consistently.

It's also a very difficult thing for the Speaker to do, though, because—you've seen it yourself—someone may be talking about, I don't know, chocolate bars in schools, when the subject matter is the speed limit on highways. So the Speaker will say, you know, "I caution the member that we're discussing this bill, which has to do with the speed limits on highways." So the member—because you're all very smart people, you will then draw the connection in a loose kind of way to what you're saying and what the subject is, and move on, so now the Speaker is satisfied that you're back to discussing the bill. But then, you may make the connection loosely enough to continue talking about chocolate in schools.

So the challenge for the presiding officers is to try to make sure that the debate is relevant to the motion before the House without constantly jumping up and trying to interrupt the flow of the debate. You will get some Speakers, with respect to some members, who kind of take the approach that the 20 minutes is almost done, and rather than prolonging it by getting into an argument, they just let the member speak out the time.

**Mrs. Donna H. Cansfield:** I just then would, as a postscript, say that it has been more my opinion that there

have been more of the members standing up to ask for relevance as opposed to the Speaker interjecting, and so I was questioning whether or not there's actually some tightening up of that rule whereby the Speaker should in fact be intervening in a more consistent manner. That's what I was interested in.

**The Clerk of the Assembly (Ms. Deborah Deller):** In your review, certainly if that's one of the things that you think should be happening, there's also nothing wrong with including in the review a recommendation to the presiding officers that there be that insertion more often.

Can I say something about the relevancy—because Ms. MacLeod mentioned something that's very true, which is that there are so many things to talk about, there are so many issues, that members don't develop a particular expertise on every subject. That's very true. I think, in moving down the road to the standing order review that you're going to do, you need to take a holistic approach to that. So there are things that you can do to help members develop an expertise.

For example, in committees we have policy field committees—social policy, justice policy, for example—and the reason that they are called that is because those are the committees that are supposed to deal with the issues related to social policy or justice policy. Time constraints being what they are and a whole myriad of other reasons have created a process now where bills get referred out, or matters get referred out, to whatever committee happens not to be busy in that particular instance. So members don't, any more, have the opportunity to sit on a committee like social policy and then, because they're dealing with several issues in that policy field, develop an expertise in that area, because they may be in social policy dealing with a transportation bill or a resource bill and then maybe the next day dealing with something that has some relationship to social policy. So there are a number of things that you may look at that would help to develop expertise in certain areas or allow members to develop expertise in certain areas, and I'm fairly sure that the fallout from that is a greater degree of relevance in debate.

1350

**The Chair (Mr. Garfield Dunlop):** Okay, we've got a comment from Mr. Bisson and then Ms. MacLeod.

**Mr. Gilles Bisson:** Mine is really simple: How long is your presentation? Because if we keep on asking questions, we'll never get through it.

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, we're covering a lot of it through questions, but I can go through—

**Mr. Gilles Bisson:** I would appreciate it, and I don't mean to be disrespectful of the questions that are asked, because they're all important questions. But one of the reasons I wanted the Clerk to come is for the Clerk to sort of go through this so we get some context, and I'm afraid that we're kind of losing part of it by jumping around all over where she's going to make a presentation.

I would just ask, Chair, that rather than have a question every time she says something—because I'm

sure we can do that for a whole bunch of time—I would like her to make her presentation and for us to hold our questions until after, so that we can get the context of what it is she's trying to do.

**The Chair (Mr. Garfield Dunlop):** Well, it's up to the committee. We discussed at the beginning that we would have a format where, as she went along, we'd ask questions. If the committee doesn't feel that's appropriate—

**Ms. Lisa MacLeod:** I actually like what we're doing here, because it's helping us ask questions. If we require the Clerk and the Deputy Clerk to be back—look, let's do this right. I have some questions that have come up as a result of an answer to another colleague, and it hearkens back sometimes to my experience, working on Parliament Hill, of things I noticed that I liked.

I want to get this right. I don't want, at the end of this today, to have a page full of questions that weren't asked and they're sort of out of context at the time. From my perspective, anyhow, I think it would be great to have a free-flowing discussion, and if we don't get through the entire presentation, have her come back.

**The Chair (Mr. Garfield Dunlop):** Are you comfortable with this?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm at the—

**Mr. Gilles Bisson:** Chair, can I?

**The Chair (Mr. Garfield Dunlop):** Go ahead, yes.

**Mr. Gilles Bisson:** I just want Ms. MacLeod to understand that I understand you're trying to do the right job; I'm not trying to knock you off at the kneecaps here. But there's a certain context—I assume the presentation is how long? That's the first question.

**The Clerk of the Assembly (Ms. Deborah Deller):** Probably another, I don't know, 15—I haven't really timed it.

**Mr. Gilles Bisson:** Fifteen or 20 minutes, right? And my point is, if we can just go through what she has to say, so there can be some context to it. Because right now we're jumping all over, and I think we're missing part of what this is about.

**The Chair (Mr. Garfield Dunlop):** Mrs. Cansfield.

**Mrs. Donna H. Cansfield:** I understand both perspectives, but actually I'm with Ms. MacLeod on this. I like this dialogue. I like the conversation, as opposed to the briefing presentation and I'm writing down questions to ask. I really quite prefer this engagement, so I'm kind of with you on this. I appreciate the time constraint, but if we're going to do this, get it right and ask the questions as they come to your mind, because then they are relevant to what you're saying. So I prefer that.

**The Chair (Mr. Garfield Dunlop):** Okay, I think we're going to continue down the path we have been here.

**The Clerk of the Assembly (Ms. Deborah Deller):** If it would help—if the will of the committee is to carry on in this way and do question and answer, that's fine with me. I'm happy to have the conversation too. What I can do then—because part of my presentation was really in

terms of giving you some guidance or focus, in terms of the spheres of procedure that you might consider, and then, within those spheres, what specifics—is provide that for you in writing and talk about it at another time, if you like.

I think what you're looking for is some kind of focus, which I think you're going to need to have.

**The Chair (Mr. Garfield Dunlop):** Okay. So we're going to continue. Ms. MacLeod, you have one other comment, and then over to Mr. Balkissoon and then to Mrs. Albanese.

**Ms. Lisa MacLeod:** Great. Thanks very much to my colleagues for bringing that up. The reason I like this, much like Mrs. Cansfield, is that we have the ability to actually do something that this Legislature doesn't do very well, and that's to actually have a conversation. We're feeding off one another in a very positive way right now, and I appreciate that.

You talked about relevancy of committee and expertise—those nodes of excellence we could create. I'm reminded that as a young staffer on Parliament Hill, I would often attend different committees, whether it was the fisheries committee in the Senate, whether it was SCONDVA, which was the Standing Committee on National Defence and Veterans Affairs. Those members often were long-standing members of that committee. There was often a chair from one party and a vice-chair from another party, which created, I think, lifelong friendships and an ability to reach out beyond party lines from time to time on specific areas of interest and expertise.

In addition to that, there was an ability for each of those committees to be very in-depth, not just dealing with legislation but making recommendations to the House of Commons or to the Senate about issues of the day. They may not have been approved by any government of the day, but at least people in the field, whether they're stakeholders or everyday citizens, actually felt that their concerns were being heard through the committee.

One of the things that I was surprised by when I did come here was the rigidity of the committee structure, the fact that we don't travel to other communities across Ontario. For example, all of you know I'm from Ottawa; once in a blue moon we get a committee to travel that far east. I can only imagine, for example, if you're from northern Ontario, how much less that possibly is. That, I think, speaks not only to our credibility but to that legitimacy that you're talking about.

So, (a) we don't have six or seven experts from all different parties on mental health, for example. But not only that, we're not accessible to people. That concerns me.

I've been on committees, and I know everyone here has been as well, where we would make a decision that we were going to have public hearings, but we needed to have the advertising out in less than a week, and everything is hurried, and then it doesn't happen until the bill has been passed where actually the public knows we've

passed it. It's an awful lot of onus on an actual constituency MPP. I'm not talking about a government or opposition or third party MPP; I'm talking about an actual private member.

I would be very interested to hear, from your perspective, how we restore the relevancy of committee. I think it's a perfect time for us to have that conversation right now.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay—

**The Chair (Mr. Garfield Dunlop):** Go ahead and answer that, and then I'll get another couple over here.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, Chair; I keep not waiting to get recognized. I so rarely have the opportunity to speak.

**Mr. Gilles Bisson:** Don't filibuster.

**The Clerk of the Assembly (Ms. Deborah Deller):** Part of what has happened over time, over a significant period of time—probably since the late 1980s—is there is a propensity in this Legislature for legislation in particular to be time-allocated. So what that created was a rush in committee because the bill would be allocated to a committee. Sometimes that time allocation motion wouldn't pass until the day before the bill was going to be referred to committee. The committee might only have two or three days allotted for consideration of the bill, which doesn't allow for things like travel or lengthy public hearings and clause-by-clause. That's one of the things that has impacted on the work of committees in this place.

There are many members who, I think, haven't experienced anything but a time-allocated review in committee. That's kind of an unfortunate thing because the best reviews are the ones that are not governed by the clock.

You may take a look at the ability to time-allocate and when, and maybe put some parameters around time allocation in terms of maybe there should be a minimum length of time, when a bill gets referred to committee, that it needs to be in committee. We currently have a standing order that says that a bill can't be considered in committee until five days after it's referred, but when the House time-allocates, they can override that standing order. That's when you get this quick turnaround from second reading to committee consideration of a bill, which doesn't make for the best consultation process. But what you can do is take a look at that time allocation motion and embed in that certain restrictions in terms of the speed with which the consideration can be started and the length of time that it should be considered in the House.

Committees are a critical component of a Parliament: They are the liaison between the House and the public. They are the ability for the public to access members and to have their say. So I think it's important—one of the most important things, I would say, that you can do if you're looking at the standing orders is to take a look at the committee structure and system and try and strengthen it a little bit. You could look at a number of different things.

I don't have a magic bullet, but you could look at a number of different things. You could allow committees a little bit more autonomy. I hesitate to say this with the government whip in the room, but you could allow committees to determine their own meeting dates and times, for example, which means the committees themselves have to make the decisions about when and for how long they will meet and what times actually are more consistent with the ability of the public to attend. Maybe it makes more sense for a committee to meet in the evening, for example, so that there's a greater participation among—sorry, Trevor—the public who are going to be—

**Ms. Lisa MacLeod:** Just not the Legislative Assembly.

1400

**The Clerk of the Assembly (Ms. Deborah Deller):** And that allows also for committees to have potentially more time to complete their work, because it's possible that they'll decide they're going to meet two or three days a week instead of only one.

I think that you might want to give some consideration to how legislation gets referred to committee and what legislation gets referred to what committee, so that there is some consistency in terms of which bills on which subject matter, or which matters.

**Mr. Gilles Bisson:** Just a quick question: When you're saying how a bill gets referred to committee, what are you getting at specifically? You're talking about where the bill gets sent, not how it gets referred.

**Mr. Steve Clark:** She's talking about both.

**Mr. Gilles Bisson:** I'm asking her to clarify.

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, a little bit of both. Some jurisdictions, for example, require that all bills must go to committee. Some jurisdictions have a requirement that certain contentious bills go to committee, and then there are other processes for less contentious bills—the main committee, for example.

**Mr. Gilles Bisson:** What? I couldn't hear you.

**The Clerk of the Assembly (Ms. Deborah Deller):** There's a process in some jurisdictions where they have a main committee, which is kind of a parallel House.

**Mr. Gilles Bisson:** A main?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**Mr. Gilles Bisson:** Committee of the Whole.

**The Clerk of the Assembly (Ms. Deborah Deller):** And the resurrection of our Committee of the Whole might be helpful in this regard, too, so that when bills maybe don't need public hearings but need to be altered a little bit, they can go to Committee of the Whole instead of out to a standing committee and back.

**The Chair (Mr. Garfield Dunlop):** If you've got a couple of other comments, can we make those now?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. Just one other small item on the whole committee thing is, you might take a look at the rules around substitution, too. You might consider even tightening up those rules around substitution, because what you have

currently is sometimes you've got a set of hearings, and you may have witnesses on one day who are speaking to an entirely different committee than they spoke to the day before, so there isn't some continuity in testimony. You don't have a group of members who are all hearing the full breadth of testimony all at the same time, so that again causes members not to develop the sort of expertise in the area.

**The Chair (Mr. Garfield Dunlop):** Okay. Thank you, Ms. Deller.

Mr. Balkissoon, you had a comment, and then Ms. Albanese and—

**Mr. Bas Balkissoon:** Well, I sort of had a question based on what I've heard. What I heard from you about the time allocation of debate—before it occurred, basically people would get up in the House and speak, and they'd speak, as you said, with relevance to the bill, knowledge about what's going on. If you were to go back to such a situation, how would we deal with that? Would it be a model somewhat like, once the bill is presented, then each member who's interested in the bill make a submission, either in writing or whatever, to their individual House leaders? I'm interested in speaking on the bill—and instead of time-allocating bills, what you do for debate is you actually have a limited number of speakers. Would that work?

**The Clerk of the Assembly (Ms. Deborah Deller):** It could. I see what you're saying, and then much like we have with debates where there's a block of time allocated to each caucus, and so they determine within that timeframe how much time each member gets to speak—

**Mr. Bas Balkissoon:** Because then people who are submitting their names, saying, "I'm interested in this bill," would actually be speaking with relevance, knowledge and expertise, or they have an interest because of their own riding, and we wouldn't get into the chocolate story and all the other things we see.

**Mr. Gilles Bisson:** But we do that because it's restricted debate here.

**Mr. Bas Balkissoon:** I just wanted to hear the Clerk's comment. If we were to get rid of the restriction, is there any Parliament that actually uses that model?

**The Deputy Clerk (Mr. Todd Decker):** Saskatchewan adopted some changes to their methods a few years ago whereby, like us, they have a fall and a spring sitting period. Their system now works in such a way that the government—and this would be a big leap for us—is obligated to have its legislative program introduced by a certain point in each of those sitting periods. It is then the opposition that picks the amount of time that's going to be allocated to consideration of all of that business for that sitting period. So the opposition is then deciding, "This one's important; we want to spend a lot of time on it. This one, not so much." What's in it for the government is that there's a cut-off date in each of those fall and spring sitting periods by which they get votes on the legislative program that they've introduced.

So, in that way, the opposition has a little bit more control over the debate. Presumably, you're only going to

select items for debate for a specific amount of time to meet the interest that's there among the members. The government gets its way—at the end, it gets its decision made on the items. And there are a couple of little safety valves; for instance, the budget bills, of course, don't have to be introduced until the budget, and there's a mechanism for emergency things or things that couldn't have been foreseen by the cut-off date for those still to be introduced and to have their vote on. But I think it kind of works for both sides of the House.

**Mr. Bas Balkissoon:** How long have they done this? How long ago?

**The Deputy Clerk (Mr. Todd Decker):** I think it was around 2007-08, somewhere in there, where they made changes to the—

**Mr. Bas Balkissoon:** Okay. Has there been any situation since then where—I go back to the first two principles of the Clerk: The opposition has its duties to do and the government has its role, which is to govern. Have there been any situations where something was delayed, where the government could not govern and get its business done, since then?

**The Deputy Clerk (Mr. Todd Decker):** I don't know for sure, but I don't have the impression that it hasn't been working for them.

**Mr. Bas Balkissoon:** Okay.

**The Clerk of the Assembly (Ms. Deborah Deller):** The Yukon subsequently adopted a similar process. Essentially, it is, "Here's a block of time"—and there are certain limitations on it within—"and here's the legislative agenda." So then it puts an onus on the opposition to make some decisions about the things they're going to talk out and the things that aren't so contentious and they could let go of. That would be the debates we currently have where everyone stands up and says, "We're in agreement with this bill," that might take a lesser amount of time. But it also means that, at the end of the day, all of those things get voted on.

**The Chair (Mr. Garfield Dunlop):** Mrs. Albanese.

**Mrs. Laura Albanese:** My comment goes back to the conversation we were having earlier on whether to hear the Clerk's presentation or to continue with questions as we have been doing. I was just going to propose, hopefully, the best of both worlds, in that I'm interested in the focus that the Clerk wanted to present, and maybe if we could have a bit of a presentation, followed by questions that may arise, and then perhaps if it's divided in chunks—

**The Chair (Mr. Garfield Dunlop):** Okay. We'll try to stretch it out a little more that way, then.

**Mrs. Laura Albanese:** It's just a suggestion.

**The Chair (Mr. Garfield Dunlop):** Yes, okay. Before we go into that—you're sort of the next round here—Mr. Clark, you had another comment?

**Mr. Steve Clark:** Yes, just a very short one. I like some of the questions you've thrown up on committees, because I feel a certain level of frustration over the last two years in the way the committees have operated. I know you've thrown up some great suggestions with

Saskatchewan and the Yukon in terms of the bills. Any ideas, any jurisdictions come into your head on committees that have changed their committee structure in the last few years?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, the Senate of Canada.

**Mr. Steve Clark:** Well, no, it's true.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's true. They actually have a really, really good committee system, but I guess their advantage is that—

**Mr. Gilles Bisson:** They don't get elected.

**The Clerk of the Assembly (Ms. Deborah Deller):** —they don't get elected, so there's not as much of a party focus. Plus, they have the luxury of time, in many cases, anyway. But it might be worth taking a look and seeing what some of their procedures are in committees.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, you had a comment there?

**Mr. Gilles Bisson:** I can skip. I'll come back. I'm okay.

**The Chair (Mr. Garfield Dunlop):** Okay, then go to the next part of your presentation. Thank you. Ms. Deller.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. Really where I was going next was to talk about these sorts of spheres of consideration. I think you need to think about what it is a Parliament is supposed to do, what are those kinds of large areas that Parliament is supposed to be responsible for, and then develop functional spheres within that to explore. Some of those would include accountability. You know, we have a system of responsible government, which means that the executive is accountable to the legislative branch. Some of the processes in place to keep the executive accountable are things like question period or things like written questions.

Financial scrutiny is an extraordinarily important part of what a Parliament is supposed to do. You might then take a look at our financial procedures—the estimates process, the public accounts committee, concurrences, pre-budget consultations, those kinds of things—as one sphere to take a look at.

**1410**

Public consultation: Public consultation includes the kinds of things we've just been talking about, committee system again, pre-budget consultations, petitions—that kind of thing. What would be included in that, Mr. Clark, I think is the discussion you had about how committees engage the public and whether there's a greater ability to use technology to do that.

I think one of the spheres is the role of the private member. That includes private members' business—how that's considered, how that's dealt with. Standing order 126 is the standing order that allows certain members of committee to determine an investigation into something that is within the responsibility of that committee. That's one way that private members can engage a process in this place.

Opposition days: You might take a look at certain elements of opposition days.

The legislative process is another sphere. Within the legislative process, you have three different kinds of bills: public, private and private members' bills. Again, we talked about the means by which those bills are referred to committees. You might take a look at all of the processes, including Committee of the Whole.

There's some reluctance to go into Committee of the Whole based on what happened in 1997. I can tell you—I'm going to say this on the record very clearly—what happened in 1997 when the Committee of the Whole met for nine days straight around the clock had nothing to do with the process of Committee of the Whole; it had everything to do with the time allocation motion that was imposed on it at the time that required that the committee meet until completion of clause-by-clause. Without that order of the House, Committee of the Whole can easily go in and out of session, and it is a very good procedure for dealing with clause-by-clause of legislation. I think this committee would do well to kind of revisit.

**Mr. Gilles Bisson:** Just on that, we used to do that quite a bit [*inaudible*] because it allowed you to take a bill out of second reading and say, "Okay, we all agree there are three or four amendments that need to be dealt with." The minister would come in with their staff, we'd deal with the amendments, you'd have your discussion. It wasn't lengthy and, boom, you're into third reading. And you never had debate at third reading at that point, either.

**The Clerk of the Assembly (Ms. Deborah Deller):** One easy method that you might use for focusing in on your discussion is to take a look at the broad headings in the standing orders themselves. You're going to take a look at some of those headings and you say, "Okay, we don't have any concerns with any part of this" and throw those out, but what it will do is serve to narrow down where your areas of interest are when you're looking at the standing orders.

I think, then, you take a look at those headings. You decide which ones work fine; you kind of park them over there. You define in which other areas you might generally agree on a specific change and set those aside, and then take a look at maybe ones that require more consideration, maybe a look at other jurisdictions, that maybe are a little bit more contentious, and then make those the greater focus of this committee's hearings.

Once you determine what areas you really want to focus in and concentrate on, we obviously can provide you with whatever background information you need—any information or suggestions for where you might go or who you might hear from.

Again, I think it's important to explore how it's done elsewhere. Mr. Bisson asked for a list of those things that we have seen elsewhere that you might be interested in taking a look at. We'll provide that to you.

Where travel isn't possible, consider having witnesses in. Again, we can give you some assistance in that regard. If you're interested in knowing further, for example, what the process was for the McGrath committee, certainly we can bring Mr. DesRosiers out of retirement and have him meet with you for an afternoon or something like that.

There are former members whom I think it would be worthwhile talking to, in particular members who have had experience sitting on both sides of the House and who have had multiple roles in the House—roles as a backbencher, roles as a House leader, roles as committee Chairs, for example. There are a number of former members who have some good suggestions to offer, in particular; now that they're not here anymore, that makes them a little freer to speak to them. Also, they can give you a perspective of maybe how things work in the House today as opposed to how they once worked and how we might get back a little bit of that relevancy in the House.

In terms of reporting, somebody mentioned an interim report. My advice to you is to do that kind of slow and easy approach. Don't try and aim for a final report right off the bat. You might want to do a series of interim reports.

The other piece of advice I have for you is, if you recommend standing order changes, in particular if they are significant, it's always a good idea to recommend that they be put in place on a provisional basis. Try them out for a while, and see how they work. If they do, then great. If they do with some tinkering, that's good. If they don't, then abandon the idea. There's nothing that says that once in place, they're written in stone.

Now, I do have some sort of specific areas—

**The Chair (Mr. Garfield Dunlop):** We're going to go to Ms. MacLeod. She has one question now before you get into the specific areas.

**Ms. Lisa MacLeod:** Sure. Just on that, two things, actually. One is, could you consider drawing up a list for us—I think I asked for this last week, but your advice on this I think would be really important—of other experts we may want to bring in? I had mentioned a few former members; for example Norm Sterling, who I know myself, and Mr. Clark has spoken with Claude DesRosiers. But perhaps others that you think we could—in terms of just people who have observed the system, whether it's been here or elsewhere.

Just quickly, I know that we're talking a bit about McGrath, and we're talking about the old system that was—the report here, the procedures committee. I'm wondering: The last three times, over the past three different parties that have come to power, when they changed the standing orders, have background materials been provided or, I guess, accumulated over those years? I think, for example, of the major amendments that happened, by John Baird. Do we have details with respect to that? Is there a report, either (a) done by committee or (b) that type of report when you talk about the—

*Interjection.*

**Ms. Lisa MacLeod:** Excuse me, if I could just finish my thought. Is there that implications study?

**The Clerk of the Assembly (Ms. Deborah Deller):** There is for some. In some instances, a motion for standing order change simply went on the order paper as a motion, not necessarily intended to engage much consultation. In those instances, there really isn't anything,

any kind of background, because the motion appeared on the order paper one day and was debated and passed the next. For some of those, there isn't a lot of background material. What I can share with the committee is we do have a table of standing order changes, which tells you what standing order changes took place when, and where we know what was behind them, we've included it in the chart. We'll make sure that you get a copy of that chart.

**The Chair (Mr. Garfield Dunlop):** I think we have to keep in mind, too, that we're down to about a half an hour with Ms. Deller and Mr. Decker today. We have to have them out of here by 10 to 3. Is that okay with you folks? We can keep going, then?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**The Chair (Mr. Garfield Dunlop):** Okay. Thank you. Go on to your next section, then.

**The Clerk of the Assembly (Ms. Deborah Deller):** So I think as you move forward with this, there are going to be areas that you are thinking about. There may be issues that you already have with some procedures in the House that you want to pursue. Certainly, at some point, if you want to have me back to comment on any of those, I'm happy to. There are some that we have determined may be of interest to you either because members have come to talk to us or because we've just observed some issues. So we've made a note of some of those.

1420

Meetings of the House itself, in terms of the schedule of meeting times of the House: This was something that was altered recently, and I think members have a varying degree of happiness with the new arrangement. I said at the time and I say it again: However you arrange the meetings of the House has to work for the members. The House staff and the operations of the House are adapted to whatever works best for you. In our observation, though, the separation between question period and the other routine proceedings has maybe not had the most positive effect. I'm not talking here about whether it should happen in the morning or in the afternoon; what I'm talking about is the unification of question period along with those other routine proceedings. What has happened as a result of separating them is, some of the very important proceedings of the day—for example, introduction of bills; ministerial statements—have become less—

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, there's less exposure for those things, and they are important parts of the proceedings of the House. We have more specific recommendations if you like, depending on where you want to go with this, but you may want to take a look, again, at the meetings of the House and the agenda of the daily business of the House and just see if there are any adjustments that you might want to make in that area.

We've talked about the rules of debate. One of the things was strengthening the rules around irrelevancy in debate and the kinds of things you might do to improve

that. The other thing you might do is to take a look at the whole questions and comments process—not that it's not working; it's just that in other jurisdictions, there are other procedures employed to do the same kind of thing. The intent for questions and comments was to restore a more debate style into the House so as to have some give and take among the members in the House. In some jurisdictions, notably in Westminster, for example, what you'll find is that a member will be speaking and another member will ask if the member would yield. So it's a little bit like this discussion: a member will be speaking and another member will have a question or a comment at that moment on that particular thing that that member just said, and if the member agrees, then the other member can, at that moment, insert a question or make a comment. There are obviously issues with that, as there are with the questions and comments process here. What I'm saying, though, is, you might want to take a look at questions and comments and other methods that are employed elsewhere to, again, try and establish that more give-and-take debate style to the House.

**Oral question period:** It might come as a surprise to all of you, I don't know, but at 60 minutes, Ontario has the longest question period of any jurisdiction in the country except for Nunavut, which also has 60 minutes, I believe. It may be that that's a length of question period that is suitable; it may be that you want to take a look at some things in question period that could maybe tighten it up a little bit, make it a little bit more free-flowing, and wouldn't require the full 60 minutes.

There are other things you might take a look at in question period. One thing I would say is that I do hear some concern about what are considered to be friendly questions from the government backbench. What you need to keep in mind is that the accountability here is the accountability of the executive by the legislative, and the backbench members on the government side are as much a part of the legislative as opposition members. What you need to imbed in any change is to imbed and protect the right of all private members on both sides of the House to ask questions. Now, you may adjust how that's done in some way, but you have to keep in mind that there is a right for private members on both sides of the House to ask questions of the government.

**Public bills:** This really goes back to, I think, members developing an expertise or relevance in debate or even the amount of time that's allocated to legislation. We have seen, over time, an increased method of introducing bills that cover a large area. I'm speaking here of omnibus bills, really. "Omnibus" isn't a procedural term, but you all know what I mean. It's a bill that maybe amends a number of different acts or deals with a number of different issues, all contained in one bill. The concern with those is, it's very hard, then, to get a really good handle on what the entire scope of that bill and what the ramifications of it are because it's quite large.

The other thing is that there may be 90% of that bill that members can agree to, and then there's a 10% part of that bill that members simply can't agree to, and they'd

love to be able to vote for this and against that. In some Australian jurisdictions, they've come up with an interesting way of dealing with it. They don't have omnibus bills. There is a requirement, in some Australian jurisdictions, that bills can contain only a single provision. But they have also, then, established a procedure whereby, in certain circumstances, separate bills can be debated and voted on together. So it ensures that there's no additional House time then required for the consideration of 10 bills as opposed to one, as long as it's thematically similar legislation. It allows members of the House to vote separately on each of those bills and then each of those provisions. Instead of an omnibus bill, what they've got are separate bills, but they have a process that allows them to debate those bills that are thematically similar together.

**The Chair (Mr. Garfield Dunlop):** And that's in other jurisdictions, you say?

**The Clerk of the Assembly (Ms. Deborah Deller):** There's an Australian model.

**The Chair (Mr. Garfield Dunlop):** Okay. All right. Lisa had a question here.

**Ms. Lisa MacLeod:** Do you know what? I'm going to let you just finish and just maybe, if we don't have a lot of time here, I guess perhaps invite you back. I find that this is probably one of the best sessions of this Legislature since I've been here for three terms—honestly. It's very good.

*Laughter.*

**Ms. Lisa MacLeod:** Don't laugh; it's true. I feel it's very good. Let's keep going.

**The Chair (Mr. Garfield Dunlop):** Steve, did you have a comment?

**Mr. Steve Clark:** No, no.

**The Chair (Mr. Garfield Dunlop):** Okay. Keep going, then. Thanks.

**The Clerk of the Assembly (Ms. Deborah Deller):** Committee of the Whole: I would really relish the opportunity to speak to you more about that, because most of you—I don't know whether any of you have experienced Committee of the Whole.

**Mr. Gilles Bisson:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** You have. You will agree with me that it is a really good procedure to have in place and to make use of. I would really encourage you to become familiar with what Committee of the Whole is all about and to even make recommendations. The standing orders are there. It still exists. We could still use it, but you may want to consider making recommendations to actually restore its utilization in the House.

**Mr. Gilles Bisson:** Just very quickly: For example, Bills 13 and 14 are one of those things we could have done in Committee of the Whole very quickly. But you wanted—

**The Clerk of the Assembly (Ms. Deborah Deller):** I think that committees, we've talked about at some length.

Private members' public business: I hear from many private members on both sides of the House, I think,

some level of frustration with the ability of private members to move forward with private members' business. There are a number of jurisdictions that have tried a number of things to change the way private members' public business is done. Some have been successful, some not as successful. In the realm of unintended consequences, I invite you to take a look at the Alberta model and what they did with private members' public business that had significant unintended consequences and may not have had the result that they would have hoped for.

What I'm going to suggest with respect to private members' public business is that you take a look at a number of different areas and then do some cherry-picking. Adapt what's out there to fit this Legislature. So, for example, in Westminster there's something called a Backbench Business Committee, which takes a look at bills and decides which bills are going to move forward, how much time they're given and that kind of thing. The House of Commons in Ottawa has a similar mechanism. Essentially, what you may consider is something like this—and there are other things to consider, but just as an example: Bills currently go through their one hour of debate time at private members' business on Thursday afternoon. If it's a bill, it gets second reading and gets referred out to a legislative committee. Then I think what is sometimes frustrating for members is, it sits there in committee and nothing happens further. What you can do is look at something like having a standing order that says, "A private member's bill, once referred to committee, has to be considered within a certain time frame or else it's deemed to be reported to the House without amendment."

*Interjection.*

1430

**The Clerk of the Assembly (Ms. Deborah Deller):** No, but then you want to put some guidelines around that, because there are a lot of private members' bills that get referred out to committee. So what you want to do, I think, for this place is to put an "if" at the end of that. If a private member's bill in committee hasn't been considered by that committee within a certain time frame and it has the signatures of a certain percentage of the House or the agreement of a certain percentage of the House, whatever the mechanism is for that—something is filed with the Clerk with the signatures of however many members of the House, representative of all three political parties—then it must be considered in a certain time frame or moved forward. That's a version of the Westminster model.

**Ms. Lisa MacLeod:** And that's being done in Great Britain.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. Well, what I'm suggesting to you is a version of that, yes.

In Great Britain, a bill has to be considered within a certain time frame or it's deemed reported without amendment. Within the time frame, the committee has the ability, like it does with any other bill, to report the

bill, report it with amendment or report that it be not reported.

**Mr. Gilles Bisson:** But you have to be selected to get your bill read.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. There are all kinds of other fairly complex elements to that procedure which govern how a bill gets to the committee in the first place. So you do have to look at, really, the broader sense.

But you can, I think, explore some of the procedures in place in other areas and then maybe make some decisions around what might work in this place. There are a couple of principles that you have to keep in mind, and that goes back to the government has the right to govern. I think you want to be careful not to implement a process in private members' public business that is going to allow for a private member to introduce a bill, have it go through a very contracted debate at second reading and potentially a protracted consideration at committee, and then have the government forced to pass it at third reading. You have to maintain the prerogative on the part of the government to determine what gets voted on at third reading, because ultimately the government has to govern, and they will be the ones responsible for the implementation of the legislation.

Private members' legislation is legislation that becomes province-wide policy, so that the government does have some control, ultimately, on what bills achieve third reading. But you may take a look at how you can effect some sort of committee consideration of more private bills than we have now.

We have had a number of members come to the table and ask us about e-petitions.

**Mr. Steve Clark:** I like it.

**The Clerk of the Assembly (Ms. Deborah Deller):** There are lots of things you have to consider with respect to e-petitions. You have to consider residency requirements. There are jurisdictions that have gone the route of e-petitions and then found out that they were getting a petition that had 10,000 names, but most of them might have been from New Zealand. You have to consider, then, what is the relevancy of that petition? So there are residency requirements that have to be considered.

You have to decide how to do it. In other words, is it something that's going to be hosted on the Legislative Assembly website that the public can access? Do we maintain the same process we have now, where members sponsor a petition, but the public can sign on electronically? I think if you want to pursue that, there are a number of things that you should consider carefully.

The other thing to keep in mind about e-petitions is it makes it very, very easy for people who might not be as serious about the issue to sign on, and you do get thousands and thousands and thousands of names. In some respects, that has the potential to dilute the effectiveness of the petition process, because now there's no way of determining whether it's one person signing 10,000 times or 10,000 people signing once. So there is a lot to be considered, I think, with respect to e-petitions.

A number of jurisdictions are going in that direction. In Canada, the only jurisdiction that currently does it is Quebec, and they have only recently started to do it. But it's—

**The Chair (Mr. Garfield Dunlop):** We have a comment here from Mr. Clark at this time.

**Mr. Steve Clark:** I know we talked about this before. I think the Quebec-Ontario meeting took place. I never saw anything come back from that. I know there was a delegation that went down. That was one of the items that they wanted to get some information on.

So I'd love to see what the Quebec experience is because, let's face it, right now, we've had a couple of quite interesting issues that have hit us. I've had the daemon email in my inbox to some thousands and thousands of emails. I had them from all jurisdictions. I got some from places in the United States and some from other provinces just on issues that we've dealt with in the last month. I've been shocked with just petitions that I've put on my own website—and again, I encourage them to follow our rules: original signatures. I can't get over how many people from other parts of the province have filled them in and mailed them to my constituency office.

Again, it goes back to what I said earlier about streamlining our proceedings. The Internet is an opportunity for us to engage voters. While I do think we need to have those safeguards, it all goes back to some of those best practices, so I'd like to get some information from Quebec, because I think that's something our constituents feel is the way that we're supposed to move.

**The Chair (Mr. Garfield Dunlop):** We're taking down a lot of notes here today, so we're giving a lot of good ideas and lot of positive things.

Carry on, then, Ms. Deller.

**The Clerk of the Assembly (Ms. Deborah Deller):** Really, just two other quick things: Standing order 126 has resulted in a couple of very, very good committee reports and committee reviews; off the top of my head, the alternative dispute resolution report was one of them. I think it can be again. The rule itself is there. It really just needs to be put into more use, I think. The best reviews that occur out of standing order 126 are those reviews that aren't based on the headline of the day, but are based on a real and serious concern that members have about something in the province.

**Mr. Gilles Bisson:** Just on the 126s, when I first got here, they were "any member can ask." You got—what is it?—a one-day time at committee; it was limited to how long it could be in committee, but you got it, if I remember correctly. It wasn't dependent on what government—

**The Clerk of the Assembly (Ms. Deborah Deller):** On a two thirds vote.

**Mr. Gilles Bisson:** No, no, prior to that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah, that's what you're saying—

**Mr. Gilles Bisson:** When I came in in 1990, it was pretty open-ended, because I remember Dianne Poole did some really good work on daycare; there was a number of different issues.

It seemed to me the government couldn't restrict what the hearing was going to be about. Anyway, maybe I—

**The Clerk of the Assembly (Ms. Deborah Deller):** You know what? We'll have to take a look at how the standing order was written previously.

**The Chair (Mr. Garfield Dunlop):** Okay. Carry on.

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess one last word: opposition days. The opposition days were created as a replacement for what was once referred to in this House as emergency debates. The process for emergency debates was that a member could stand up and ask the Speaker for a debate on something of urgent public importance. It didn't work all that well because the poor Speaker was in the position of having to decide whether something was an emergency or not an emergency. It didn't really matter which way the Speaker ruled: One side of the House was going to be angry. So in one of the committee reviews of the standing orders—I think it was the procedural affairs one—they replaced that emergency debate process with opposition days, and that's why we now have opposition days.

We have perceived lately that there's a bit of a game of chicken that goes on with respect to opposition days, because there's a question of each side wanting the last word—

**Mr. Gilles Bisson:** The right of reply, you mean.

1440

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. One of the elements in a Parliament is a consideration given by all members that the mover of any motion has the right to wrap up the debate.

We have a process in the standing orders now that allows the minister or parliamentary assistant who moves second or third reading of the bill to have a right of reply. That is, at the end of the debate, typically what should happen is the Speaker then turns to the minister or parliamentary assistant, whomever moved second or third reading, and says, "Do you want to reply?" That closes out the debate.

There was an intent that that same process should be used on opposition day. That's why what you'll notice in the standing orders is that there is an ability for the mover of the motion to reply to debate, as long as it's done within the allotted time for that caucus.

Both of those things have fallen into disuse, but what we have ended up with is this kind of jockeying during some of those debates, to make sure that one side or the other gets the last word. There are things you can do as an amendment to the standing orders to fix that, if you do something like embedding that right of reply so that, currently, you may take two minutes out of each caucus's time and allocate it at the end and give it specifically to the mover for a reply to the debate on that motion. So there are those kinds of things that you can think about doing as well.

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod has a question on this as well.

**Ms. Lisa MacLeod:** Just very quickly. In federal Parliament, they have emergency and take-note debates. How do those work compared to our system?

**The Clerk of the Assembly (Ms. Deborah Deller):** A take-note debate doesn't result in a decision of the House. It's just—

**Ms. Lisa MacLeod:** Neither does an opposition day, though.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's just an opportunity to speak on some issue, which sometimes the House wants to do. It's certainly something to look at.

**The Chair (Mr. Garfield Dunlop):** If I could make a comment on how effective this committee could be, I think one of the things—it's probably not part of our scope, but I keep looking at the fact that voter turnout is declining almost every election. I'm wondering how we, as a committee, can work towards helping Ontario citizens become more interested in the process.

I just want to get some clarification from Trevor where we're going with this, but you mentioned about question period time, when it was changed and how it got away from the interest in things like members' statements and—statements by ministers etc., because it's now in the afternoon, and we usually have hardly anyone in the House at that time. Are you suggesting that's an area we should examine carefully?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm suggesting that you may want to take a look at the meetings of the House and the structure of the agenda of the House.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Bisson.

**Mr. Gilles Bisson:** Just a very quick question on opposition days: Would it make sense, especially in a minority Parliament, where we're tied like this, to defer opposition day votes? For example, if you have your guy in the chair or your person in the chair, is there a reason why you couldn't defer the vote to another day, just as any other bill? As a standing order change, is there some logic why you wouldn't do that?

**The Clerk of the Assembly (Ms. Deborah Deller):** I can't think of any pitfall to doing it. It wasn't done just because—well, partly because we had opposition days before we had deferral of votes.

**Mr. Gilles Bisson:** Ah, that's a difference. Okay.

**The Clerk of the Assembly (Ms. Deborah Deller):** The other thing was to wrap up the matter in one single day. But certainly if this committee thought it would make sense to defer the vote on opposition day motions—

**The Chair (Mr. Garfield Dunlop):** I think we've had a fairly good discussion at this point, to both the Clerk and the Deputy Clerk today. We're probably going to have you back again. I can see that there's been a lot of interest in your comments today. Because I know you have to be in the House in the next short while, I think it's a good time to excuse you from this meeting and maybe we can just have a wrap-up after with the remainder of the committee. Would that be fine with you, folks?

**The Clerk of the Assembly (Ms. Deborah Deller):** Absolutely, and please don't hesitate to have us back. We're more than happy to provide whatever assistance—

**Mr. Gilles Bisson:** You're going to give us that in writing, some of the stuff?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. I'm going to do up maybe a road map for you.

**The Chair (Mr. Garfield Dunlop):** On behalf of the committee, I want to thank you both very much for your time here today. I think we've had a great conversation. We'll take a few more minutes to clear up here after you've left.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay.

**The Chair (Mr. Garfield Dunlop):** Thanks so much.

**Mr. Steve Clark:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Go ahead, Mr. Bisson.

**Mr. Gilles Bisson:** As a way forward, I think at this point, if we can get some of that information that was given and some of the references given to us, if at all possible, sooner rather than later, so that we can actually start thinking next week about how we start ordering up some of the work that we want to do in specific areas.

**The Chair (Mr. Garfield Dunlop):** Yes. I think we've been discussing that as well.

Ms. MacLeod, before we turn it over to Trevor.

**Ms. Lisa MacLeod:** Sure. I guess this is to our clerk: We did discuss last week about a timeline, effectively a work plan. I think the Clerk today was very helpful in (a) telling us some jurisdictions that we should observe, and (b) was very helpful in telling us her suggestions for areas we may want to look at in terms of standing order changes. So I think she was very helpful in those two regards.

I'm wondering if by next week we can have a draft plan ready for us that sort of maps out our work—whether or not we pass it next week I guess is not the issue—and perhaps have a subcommittee before then.

**The Clerk of the Committee (Mr. Trevor Day):** Just to respond, the only difficulty at this point with the draft plan is we need the committee to determine how big or how small this is going to be.

**Ms. Lisa MacLeod:** I see.

**The Clerk of the Committee (Mr. Trevor Day):** The initial sort of thing that we brought out didn't envision anything past the possibility of June.

**Ms. Lisa MacLeod:** No, I think we said till—

**The Clerk of the Committee (Mr. Trevor Day):** Oh, right, August 31. But again, if that's the type of thing we're looking for, it would be helpful to get a feel for—and I think this would probably be what we'd be doing next week, to say, "Okay, this is the information that we have before us. Here's some research"—not all of it—"to start pinning down some areas, big areas." Not specifics, but bigger areas that we can look at, and then we can look to where the information is out there that we can get to you.

**Ms. Lisa MacLeod:** So what I'm wondering, then, is if we can have a subcommittee meeting maybe next Tuesday after our caucus so that we could all bring to our caucus some—

**Mr. Gilles Bisson:** After the caucus or before?

**Ms. Lisa MacLeod:** After our caucuses.

**Mr. Gilles Bisson:** After? Oh, okay.

**Ms. Lisa MacLeod:** Yes. I was wondering if we could have, beforehand, the report that we could take to our caucuses on Tuesday, so that Tuesday, after caucus, we could have a subcommittee meeting to make a recommendation to committee next Wednesday. We're away for a week after that and then we come back. We do have a five-week session.

I'm finding this was an incredible opportunity today, but two hours went very, very quickly. So, in order for us to meet any type of timelines, I think anything you could provide to us by the end of the week that we could take to our caucuses next Tuesday, to have that subcommittee just to start the ball rolling.

**The Clerk of the Committee (Mr. Trevor Day):** So we'd sort of draft out what we think to be timeline based on the August 31—

**Ms. Lisa MacLeod:** And at subcommittee we can go with the direction where our caucuses are comfortable with, and then we can pass or change it the next day.

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Bisson.

**Mr. Gilles Bisson:** I partly agree with what you're saying, Lisa, because we are pressed for time. I think a subcommittee meeting is important so we can start putting the task forward so we can see an end to this.

I'm a little bit leery about you doing a draft sort of timeline or what we're going to do when. I'm more interested, if we can get this week, what are the different areas that we want to look at? Private members—you know, some of the stuff that was raised by the Clerk so that we can start picking, at that subcommittee meeting, what the things are that we want to spend some time on, and then the committee can say, "Okay, let's start doing a draft plan based on those decisions."

**The Clerk of the Committee (Mr. Trevor Day):** Basically, what I have so far, and what we're considering, the Clerk made initial reference to the standing orders, the opening index that runs through the different areas.

I think she also, in her presentation, had sort of mentioned different spheres that there might be. I can speak with her and try to get to you an outline of what we consider different spheres and what might fall under each of those spheres so that you can start looking at, "We have interest in this, not this; this, not this."

**Mr. Gilles Bisson:** Yes, and maybe the timeline would work if it falls within the time period, but I guess my fear is that we may not have enough time to do everything. We may have to start deciding we've only got time to look at this, this, this and that; right?

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod.

1450

**Ms. Lisa MacLeod:** Let's attach some timelines to it. If we have to amend them later on, we can do that. But I think at this point, time is ticking, right? We don't have a lot of time. It's two hours a week for something that basically took a period of years to do previously. I would appreciate that. I think we can, through our meetings with our caucus members and colleagues next Tuesday, identify those areas and, in turn, whittle that down, the time frame—

**The Chair (Mr. Garfield Dunlop):** I'm just a little bit concerned about how much time we'll get at caucus ourselves. That would be my concern because our caucus meetings go quickly, too. So—

**Ms. Lisa MacLeod:** A lot of this stuff can be done by email. Our caucus, I know, Garfield, has spoken at great length about this issue for quite a period of time. I'm happy to go to them today with an email and say, "Let's start talking about it."

**The Clerk of the Committee (Mr. Trevor Day):** The other thing is—sorry, I'm looking for permission on here—should we be writing to the House leaders to say we'd like time over the summer—

**Mr. Gilles Bisson:** That's what I was going to suggest. I think—

**The Clerk of the Committee (Mr. Trevor Day):** I wouldn't limit it to anything at this point. It would be at the call of the Chair, so that we aren't limited.

**Mr. Gilles Bisson:** You can put in that request, and we can discuss it in Friday's House leaders' meeting. I so move such a motion. Anybody want to second it?

**Ms. Lisa MacLeod:** I'll second.

**The Chair (Mr. Garfield Dunlop):** We've got a seconder. Okay, so we've got a motion to write the House leaders to ask for permission to work over the summer. All in favour of that? It's carried.

**Ms. Lisa MacLeod:** As long as it's somewhere outside.

**The Chair (Mr. Garfield Dunlop):** Okay. To make sure we're clear on this for the—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Folks? Let's make sure we're clear on this for the clerk so we know exactly where we stand going into next week's meeting because we want to make sure we make full use of the two-hour meetings each week from now on. Have you got a clear direction for next—

**The Clerk of the Committee (Mr. Trevor Day):** Basically—

**Mr. Gilles Bisson:** Can I suggesting something? You're putting that together, and the subcommittee is actually going to need to decide "Oh, this looks good—some good suggestions. Let's move forward. Let's amend," whatever. Is there any business that we want to look at next week? Do we want to get the clerks or somebody to come before us to say, "Let's pick one area that we may want to look at right now"? Maybe private members next week so that at least we can start doing something next week?

**Ms. Lisa MacLeod:** Are you confident we can actually get the subcommittee report passed?

**Mr. Gilles Bisson:** Well, I don't think we need the subcommittee report to start because the subcommittee report is going to have different parts: private members, question period, routine proceedings. It's going to have different areas. I'm just wondering: Is there one of those areas that we may want to start having a discussion on next week as far as having information brought before us?

**The Chair (Mr. Garfield Dunlop):** Yes, okay, I hear the question. Ms. Cansfield?

**Mrs. Donna H. Cansfield:** I understand, but I'd also like to see the information that the Clerk was going to give to us and then make some decisions rather than just sort of picking something out of the air. I'd like to see what she has identified and then maybe have a discussion about—what might be of interest to you may not be to us, that kind of thing. Then we end up deciding something and then it gets changed somewhere else. I'd rather have the information at hand to review first.

**The Chair (Mr. Garfield Dunlop):** Okay, so the Clerk's responsibility—go ahead.

**Ms. Lisa MacLeod:** To Ms. Cansfield's point, I agree with her. I think if we were to talk next week, which we have to and which we want to, why don't we take back those standing order ideas from our own caucuses and perhaps bring back the Clerk with her ideas and present that to our clerk and our legislative researcher so we have a basket of ideas that have come from the three parties as well as from the Clerk's office? Some of them may be the same; some of them may be different. Then we can start there with sort of our inventory list.

**The Clerk of the Committee (Mr. Trevor Day):** So what I'm hearing is, we're going to bring the Clerk back next week; we're going to invite her back next week. Each of the three caucuses will have some recommendations. The Clerk had sort of alluded to some recommendations. That would be our starting point, sort of a shopping list, to make our way through.

**Ms. Lisa MacLeod:** Yes, and if we could have a subcommittee after that caucus meeting to discuss a work plan.

**The Chair (Mr. Garfield Dunlop):** Okay, that's going to be the problem because we haven't had a subcommittee meeting yet since we started. Will we be

able to put a meeting together? We have to set that. We should be able to set that right now.

**Ms. Lisa MacLeod:** I'll be available for a subcommittee meeting after caucus next Tuesday.

**The Chair (Mr. Garfield Dunlop):** Would you be, Mr. Balkissoon?

**Ms. Lisa MacLeod:** We have the parliamentary liaison working group at 4 p.m., but we are always finished at caucus by 3, so I could suggest maybe 3:30 or something around here by the government House leader's office because we have to saunter there anyway.

**The Clerk of the Committee (Mr. Trevor Day):** Prior to that subcommittee, you're looking for what from us?

**Ms. Lisa MacLeod:** A work plan.

**The Clerk of the Committee (Mr. Trevor Day):** A work plan. Okay.

**Mr. Bas Balkissoon:** Actually, rather than at the end of caucus, I think it would be better right after the House recessed. Sometimes it recesses at 11:30, sometimes at 11:45.

**The Chair (Mr. Garfield Dunlop):** You mean before caucus? But we wouldn't—

**Ms. Lisa MacLeod:** We wanted to go to our caucuses, I think, with—

**Mr. Gilles Bisson:** I'm free for 3. Why don't we say at the start of orders of the day? Would that work, at the start of orders of the day, Lisa?

**Ms. Lisa MacLeod:** Why don't we meet at 3 o'clock, Tuesday, opposition lobby; does that work?

**Mr. Gilles Bisson:** No, it would be more like 3:30 or 3:45, after—

**The Clerk of the Committee (Mr. Trevor Day):** After we get through routine proceedings.

**Ms. Lisa MacLeod:** Okay.

**The Chair (Mr. Garfield Dunlop):** Okay. Right after routine proceedings, then, next Tuesday, April 3.

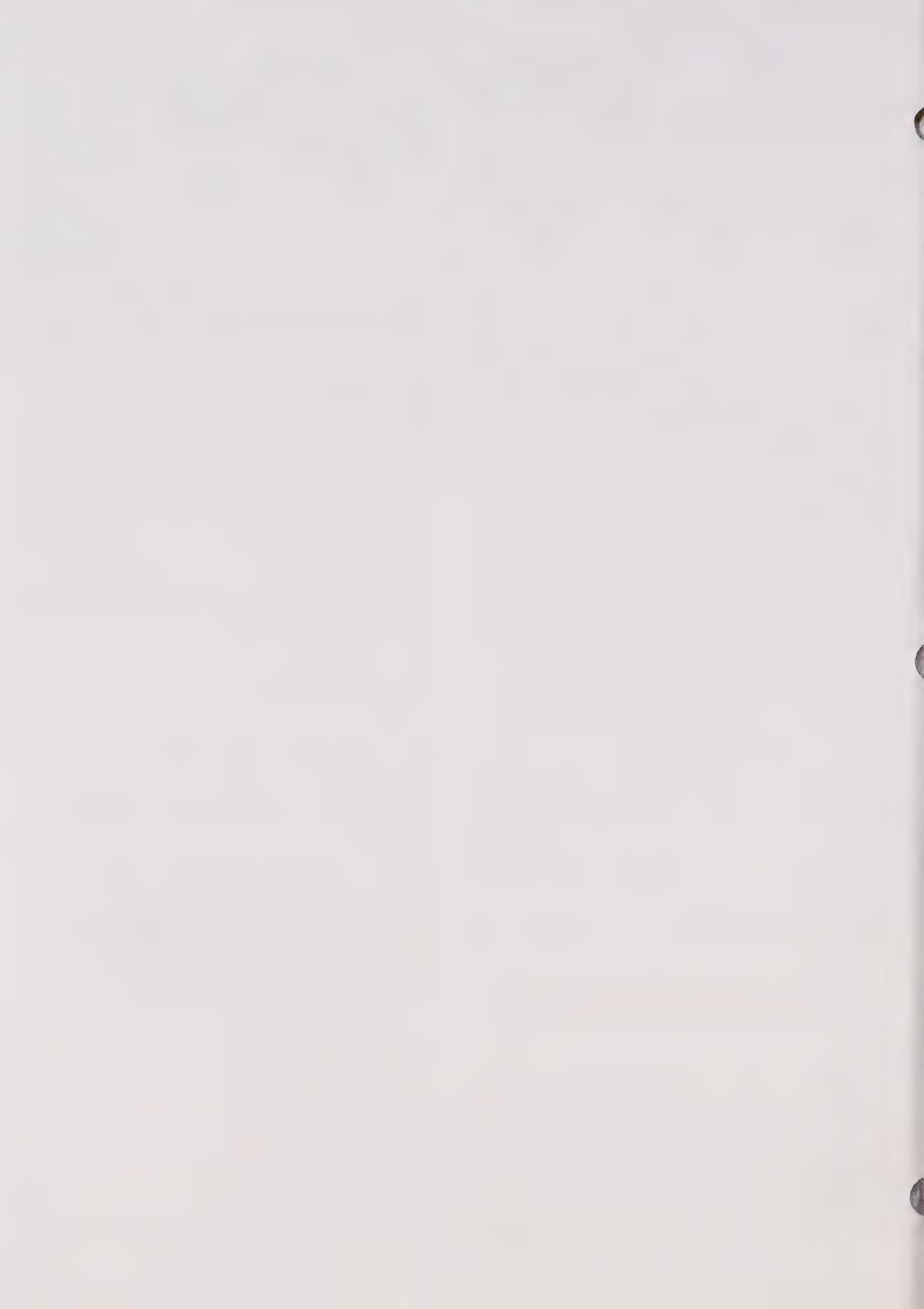
**Mr. Bas Balkissoon:** Trevor, you'll send a note around?

**The Clerk of the Committee (Mr. Trevor Day):** I'll take care of the scheduling with all your offices.

**The Chair (Mr. Garfield Dunlop):** All right. Is everybody comfortable with that? Okay. Is there anything else anyone would like to discuss today?

Okay, ladies and gentlemen, thank you very much. The meeting is adjourned until next week.

*The committee adjourned at 1455.*





## **CONTENTS**

**Wednesday 28 March 2012**

Standing orders review .....	M-21
Office of the Clerk .....	M-21
Ms. Deborah Deller, Clerk of the Assembly	
Mr. Todd Decker, Deputy Clerk of the Assembly	

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M-5



M-5

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First Session, 40<sup>th</sup> Parliament

## Official Report of Debates (Hansard)

Wednesday 4 April 2012

Standing Committee on  
the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 4 April 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 4 avril 2012

*The committee met at 1302 in room 228.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting to order.

We have a subcommittee report. Ms. MacLeod, can you read that into the record, please?

**Ms. Lisa MacLeod:** Your subcommittee met on Tuesday, April 3, 2012, to consider the method of proceeding on a review of the standing orders of the Legislative Assembly of Ontario, and recommends the following:

(1) That the committee's review may include but is not limited to the following areas of interest:

Speaker and other presiding officers:

(a) Authority to deal with members' disability issues (i.e. sitting to vote)

(b) Use of sign-language interpreters

(c) Timing of Speakers' rulings (not before QP)

Meetings of the House:

(d) Join question period and routine proceedings

(e) Move PMPB from Thursday afternoons

(f) Make sitting times better for out-of-town members  
Debate:

(g) Speaking times extended

(h) Take-note and emergency debates (possible decided by Speaker)

(i) Opposition days: right of reply and deferrable votes

(j) Information on confidence convention

Legislative process:

(k) Separating omnibus bills

(l) Committees to consider issues prior to introduction of bill

(m) Bills not to receive second and third reading in the same sitting without UC

(n) Time allocation motions vs. timetabling

Financial scrutiny and other accountability tools:

(o) Estimates process: extend third Thursday deadline

(p) Money bills: tighter restrictions on wording

(q) Pre-budget in the standing orders

(r) Question period: British model (filed in advance, Speaker to determine relevance); concern about "lob" questions

Committees:

(s) Authorization to meet at the call of the Chair (inter-session included)

(t) 126 inquiries: simple majority/more power to members

(u) Debating committee reports: limited debate in House

(v) Committee of the Whole House: different times to sit (possibly after 6)

(w) Referral of government bills to predetermined committees

(x) The use of select committees

Engaging the public:

(y) More access to committee meetings (web-streaming)

(z) Information on e-petitions

Private members' public business:

(aa) Complete study of PMPB

(bb) Remove co-sponsorship of bills

Sundry:

(cc) Increase response time for written questions (45 days)

(dd) Reduce the number each member is allowed (four instead of 10)

(ee) Information on quorum.

So moved.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, Ms. MacLeod. First of all, I want to ask the members of the committee who aren't on the subcommittee: Any thoughts to begin with? We thought we'd work our way through the—

**Mr. Bas Balkissoon:** Mr. Chair, just a question. Under "Legislative process," (l), I had made a note that Mr. Bisson presented this, but the way it reads is like all issues come to committee. I thought that was just to provide an option. I want it to read correctly.

**Mr. Gilles Bisson:** What's that?

**Mr. Bas Balkissoon:** Under "Legislative process," (l), you wanted "Committees to consider issues prior to introduction of bill" as an option, and you said "similar to the bullying bill." It's to allow committees the option—not all bills.

**The Chair (Mr. Garfield Dunlop):** In certain circumstances.

**Mr. Bas Balkissoon:** Yeah.

**The Chair (Mr. Garfield Dunlop):** Okay. We'll just add that in.

**Mr. Bas Balkissoon:** I think we should clarify it.

**The Chair (Mr. Garfield Dunlop):** Okay. I understand.

**Mr. Gilles Bisson:** So, just to be clear, what I'm asking for is that it seems to me that committees can be used for the ability to deal with bills in a non-partisan way. Right now, the standard is that you refer a matter back—at first reading you introduce a motion, or you introduce a bill that goes back to first reading. I'm saying that if committees themselves would have the ability to do some of that work themselves and say, "There's an issue that we all agree on. Mr. Balkissoon is very interested in transit and developing a transit strategy," or whatever the hell it might be, that members have the ability to do that.

Yes, we can do that under 126, and yes, we can do that under reviews, but is there another way?

**The Chair (Mr. Garfield Dunlop):** Okay.

So our plan this afternoon was to work our way through the list that the subcommittee started with. We have the resources of the Clerk and the Deputy Clerk here with us. Is everyone okay with that, if we—

**Mr. Bas Balkissoon:** As long as we just put that—

**The Chair (Mr. Garfield Dunlop):** Yeah, okay.

To Deb, do you have any questions on this, or Todd, on what we've provided so far?

**The Clerk of the Assembly (Ms. Deborah Deller):** It's an ambitious list.

**Mr. Gilles Bisson:** Oh, yes, it is.

**The Chair (Mr. Garfield Dunlop):** No kidding.

**Mr. Gilles Bisson:** We tried to whittle it down, but—

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. We kind of worked on the list that went before the subcommittee, thinking that when it came out of subcommittee it was going to be narrowed down a little bit. We hadn't anticipated it would be longer, but that's not a bad thing because I think that what you've done is sort of taken a look at the standing orders in a holistic kind of way, which is a really good thing to do, and not just pick out the kinds of things that are of an annoyance to one or more of you at the moment.

I think perhaps what the committee kind of needs to do, though, is sort of take a look at those issues that they think there is general agreement on, and right off the top, "Speaker and other presiding officers," item (a), I think is probably one of those items that the whole committee can look at and say, "Well, that's probably a really good idea." Currently, if we have a member with a disability, it requires unanimous consent to accommodate that member. The case in point is currently Ms. MacCharles, where we had to have unanimous consent for her to vote from a seated position. The problem with unanimous consent and our worry all the time is, what if we don't get it? Then you have to deal with how you accommodate a member's right to vote in the absence of unanimous consent. Something like that, to me, is a fairly simple thing and, in my mind, a really good addition to the standing orders to make.

You may want to see if there are other things on your list of that nature that everybody can generally agree on, and you can set aside those things. We can go away and

write up a draft of a standing order for you to look at in the context of the whole package later on.

There are some things that I would say are a matter less of standing order changes than—

**Mr. Gilles Bisson:** Cultural.

**The Clerk of the Assembly (Ms. Deborah Deller):** —cultural changes in your list, and we can have that discussion as we get to them.

1310

There are some things on the list that are currently permitted under the standing orders, or not permitted, as the case may be. We just haven't used it for such a long time that they've fallen into disuse, and probably there are a number of members who aren't aware of them.

If we go to the discussion that just occurred on the committees to consider issues prior to introduction of bills—I understand that what Mr. Bisson is saying is slightly different than I understood it, but there is a standing order that allows, at the completion of a standing order 126 matter, for that to come forward to the House as what's called a committee bill. It's introduced by the committee Chair, the other members of the committee have their names on the inside cover of the bill when it's introduced to the House, and it then goes through. It's the same as any other public bill; it goes through the same bill process. But there is that provision currently in the standing orders. Again, it has fallen out of—it hasn't been used often, but we haven't used it at all.

**Mr. Gilles Bisson:** It's also very difficult in a majority Parliament to make it work.

**The Clerk of the Assembly (Ms. Deborah Deller):** In the current requirements for 126, which I see is also on your list to kind of review, in a majority Parliament, yes, it makes it a little more difficult for a committee to come forward with a bill.

There used to be a process in this House—and it's still current in other Parliaments—where committees would consider what was referred to as a white paper. Where the House or the government is not quite prepared to come forward with draft legislation but wants a matter to be considered by the House, then that matter can be referred to a committee in the form of a white paper, which sort of fleshes out what the policy would look like. The committee can then hold hearings and develop a recommendation to the House about what a future piece of legislation might look like on that subject.

The instance where it was done here that some of you may recall was graduated driver's licensing. In the lead-up to the actual legislation for graduated driver's licensing, there were committee hearings that developed what that policy should look like. So again, that's a provision that—I mean, it doesn't really require a standing order change because it's possible under the current standing orders to do that.

**Mr. Gilles Bisson:** Question: If I remember correctly, that was ordered by the government as a white paper discussion; it wasn't a 126.

**The Clerk of the Assembly (Ms. Deborah Deller):**

Right. No.

**Mr. Gilles Bisson:** Oh, okay.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's what I'm saying. It was ordered by the House to committee. It was a white paper that was sent to committee for its consideration. So there are those kinds of things that there's already a provision for or there's already an ability for the House or committee to do it. It's just a question of putting those into use.

So I'm kind of in your hands, Mr. Chair. I'm not sure. Do you want to go down the list?

**The Chair (Mr. Garfield Dunlop):** Yes. Our intention was to go down through the list.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay.

**Ms. Lisa MacLeod:** I've got a quick question. Are we going to vote on the motion and then do it, or are we having discussion?

**Mr. Jeff Leal:** You want us to approve the subcommittee report—

**Ms. Lisa MacLeod:** Yes, we should probably adopt the standing committee report and then have the discussion.

**The Clerk of the Committee (Mr. Trevor Day):** Yes, if you like. Again, if there was anything that might come off or be changed, the report would be adopted as amended if we have the discussion first, but I'm happy if you choose to adopt the report as it sits—

**Ms. Lisa MacLeod:** I'll ask my colleagues in the subcommittee. Are you prepared at this point in time?

**Mr. Bas Balkissoon:** I'm happy to adopt it, as long as we just clarify that one point I raised.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I just want to ask two questions. First, Lisa, what did you just say? I didn't hear you—the last part.

**Ms. Lisa MacLeod:** Just slightly before you arrived, I read our report from yesterday that you and I and Bas and the Chair worked on, and I was wondering if we should, I guess, adopt the subcommittee report after I had moved the motion and then have the discussion. All three caucuses had representation yesterday.

**Mr. Gilles Bisson:** Okay, that's good. To the second point: I just want to make clear that if something else comes up, we're not bound just to this.

**The Chair (Mr. Garfield Dunlop):** We'd have to amend it, then.

**Mr. Gilles Bisson:** Yes, just to be clear.

**Ms. Lisa MacLeod:** I think it's clear, too, that this "may include, but is not limited to."

**The Chair (Mr. Garfield Dunlop):** Not limited to, yes.

Okay, so all in favour of the subcommittee report?

**Mr. Gilles Bisson:** If I had read the first line, I would have seen that.

**The Chair (Mr. Garfield Dunlop):** All in favour? That's carried.

## STANDING ORDERS REVIEW

### OFFICE OF THE CLERK

**The Clerk of the Assembly (Ms. Deborah Deller):** This is good. You have a road map.

*Interjections.*

**The Clerk of the Assembly (Ms. Deborah Deller):** I should say that I was glad to see the "but not limited to," because in your deliberations there will be things that come up where you're going to say, "Oh, that's a good idea," or, if you do end up visiting other jurisdictions, you're going to say, "That's something that would be a really good idea," and you want to have the flexibility to make sure you can add it in.

"Speaker and other presiding officers": I have nothing really to say about (a); I think it's a very good idea. In my mind, there is no negative impact of doing something like that.

You have under (b) the use of sign-language interpreters, which I guess I would classify under the Speaker's ability to deal with members with disability issues. So I'm not entirely sure why that's separated out, except I will issue this caution: We did at one time have a member who was hearing-impaired and required the assistance of sign-language interpreters. The House passed a motion agreeing to provide those interpreters. The impact of that was that there was a tremendous cost attached to it that was borne by the assembly. So the only thing I would say about that is, it then requires a motion at the Board of Internal Economy to approve costs. So in some instances, in accommodating members with disabilities in the House, which I think the House would always want to do, there are financial consequences to that which also have to be considered.

**Mr. Gilles Bisson:** Spoken like a very good Clerk.

**Mr. Bas Balkissoon:** Chair, just for clarification, and maybe Ms. MacLeod could raise it, I think when it was raised yesterday it was to do with special debates like the budget, the throne speech, that the broadcast has sign language included, so—

**The Clerk of the Assembly (Ms. Deborah Deller):** Sign interpretation. This was not dealing with an individual member's disability—

**Mr. Bas Balkissoon:** —we wanted to define the events.

**The Clerk of the Assembly (Ms. Deborah Deller):** —it was adding sign interpretation.

**Ms. Lisa MacLeod:** This came up two nights ago to me. Thank you very much, Mr. Balkissoon, for raising this for me. It did come up, and upon reflection it did make a lot of sense to me—it's something of provincial significance that would impact every Ontarian—that we are accessible to them.

That said, I do understand that this has been raised in the House in the past as a result of various members. At that time, if it occurs again, and it likely will, we have to be prepared for that, understanding, of course, that there is a significant cost. But at the end of the day—and this is

coming from a fiscal conservative—democracy ain't cheap.

**The Clerk of the Assembly (Ms. Deborah Deller):** Then the one thing I would add about the use of sign interpreters for the proceedings of the House—

**Mr. Bas Balkissoon:** But only special proceedings—and we need to list those in the standing orders—like the budget speech, the throne speech and anything else that committee can identify. Is that okay?

**The Clerk of the Assembly (Ms. Deborah Deller):** Certainly, you can do that. Again, the consequences are going to be financial ones.

**Mr. Bas Balkissoon:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** The other thing to keep in mind is that all of our proceedings are closed-captioned currently, and there is a larger population of the hearing-impaired population that would rely on closed-captioning than American Sign Language currently. That's not to say that you shouldn't do it.

Can I make a suggestion that, included in any discussions or consideration you might have with respect to sign language, you also give some consideration to additional assistance to the sight-impaired community? From time to time, we have communications from members of that community who have some difficulty identifying who the members are that are speaking and that kind of thing. Currently we're trying to deal with those in a technical way, but it might be something worthwhile taking a look at, and in particular, if you're visiting other jurisdictions, to see whether any of those other jurisdictions have done any work in that area.

**Ms. Lisa MacLeod:** Has any jurisdiction in the Commonwealth come to mind when you look at this—others that are more accessible to those with a disability?

**The Clerk of the Assembly (Ms. Deborah Deller):** No. There are other jurisdictions that provide sign language for either all or some of their proceedings, but beyond that, we're actually in the front of the line.

**Ms. Lisa MacLeod:** Oh, wow. I like to hear that.

**The Chair (Mr. Garfield Dunlop):** Yes, Mr. Leal?

1320

**Mr. Jeff Leal:** Thanks, Mr. Chair. To the Clerk: In the past, has there ever been any cost estimates to do a full implementation to allow facilities for people that need it because of disabilities?

I mean, clearly, if you move ahead on this, you have one-time costs, and then you would have the ongoing operational costs. Has the Board of Internal Economy ever had any estimates or have they, in the past, requested a pretty extensive costing on such an initiative? As I said, there are two distinct cost areas here. Once you do the one-time costs, they're in place—

**Mr. Gilles Bisson:** You're talking about providing sign language interpretation permanently?

**Mr. Jeff Leal:** Yes, Gilles.

**The Clerk of the Assembly (Ms. Deborah Deller):** Not on an ongoing basis. In the face of particular requests for certain circumstances, we've had requests for a cost

estimate of what, for example, one day of sign language interpretation would cost and that kind of thing, but not in a comprehensive nature.

**Mr. Jeff Leal:** Okay.

**Mr. Gilles Bisson:** But I think—

**The Chair (Mr. Garfield Dunlop):** Go ahead, yes.

**Mr. Gilles Bisson:** —to your point, Clerk, I agree. If we're going to make accommodations in the House in order to facilitate the participation of members or other members of the greater community, I agree with you. We need to take a look at: Okay. What appropriation needs to be done by BOIE? That's your point, and I think that's fair. That's good.

**The Chair (Mr. Garfield Dunlop):** Okay. So are you finding this discussion okay, everyone? Just to kind of walk through the list like this? It's not etched in stone here. We're just trying to get a good feeling for everybody here.

**Mr. Gilles Bisson:** How was your fundraiser last night?

**The Chair (Mr. Garfield Dunlop):** It was great.

“Meetings of the House,” then.

**The Clerk of the Assembly (Ms. Deborah Deller):** No, let's back up here, because you've got under (c) here—

**The Chair (Mr. Garfield Dunlop):** Oh, sorry, timing of the Speaker—

**The Clerk of the Assembly (Ms. Deborah Deller):** —“Timing of Speakers’ rulings.” I wasn’t a party to the subcommittee’s discussion so I’m not sure, except that it does say in parentheses “not before [question period].” I’m not sure that you would want to put into the standing orders a directive to the Speaker about when rulings should be given. The Speaker gives some considerable consideration to the timing of the delivery of rulings, and much of it is based on the significance of the ruling, the particular opportunity that will have the maximum audience in the House for a ruling.

The two most recent rulings given by the Speaker have been lengthy, I agree; they’ve also been significant and, in the Speaker’s mind, important for the House to hear. So what the Speaker wants to do is ensure that as many members as possible are in the House and paying attention to those rulings.

The issue with having them after question period is that—

**Mr. Bas Balkissoon:** Everybody leaves.

**The Clerk of the Assembly (Ms. Deborah Deller):** —the House disperses, and so the Speaker now is talking to only a few members, and not always the members whom the Speaker would want to be talking to.

**The Chair (Mr. Garfield Dunlop):** Okay, Gilles, you have a question, then Bas.

**Mr. Gilles Bisson:** I understand the context of why this was raised, because certain members raised concern that if he goes on too long, it might chew into question period. I have never seen that in 22 years. I very much doubt that any Speaker, I don’t care who it is, even me—and I would never want to be the Speaker, and I want this

on the record, seriously—would ever obstruct the House from being able to have a question period. So I think I can live with what's now.

**The Chair (Mr. Garfield Dunlop): Bas?**

**Mr. Bas Balkissoon:** The issue was raised on the basis that when you have a lengthy one or even a short one, that it chews up question period time. But if you look at question period, we always end before midday. So really, it's how to accommodate these without affecting the time on question period. Is that possible?

**The Chair (Mr. Garfield Dunlop): Lisa?**

**Ms. Lisa MacLeod:** To Bas's question, I think that's what's critical. This was raised by our deputy House leader, who was concerned with a ruling that occurred before question period that was quite lengthy and one that we, possibly, in the opposition, would have wanted to maybe, perhaps, action or do something else once the ruling had come in, but did not want to compromise question period. I think it's worth looking at various options, and that's why the official opposition asked that this be looked at.

If it's not in the standing orders, perhaps we do something in the standing orders that suggests that if the time allotted for question period expires before the rotations are complete, given extenuating circumstances such as a ruling by the Speaker, maybe that's how we accommodate it. I would ask that you consider that, because it was an issue that was brought up by our caucus.

**The Clerk of the Assembly (Ms. Deborah Deller):** Question period is going to be 60 minutes regardless.

**Ms. Lisa MacLeod:** Regardless. However, we felt that—

**The Clerk of the Assembly (Ms. Deborah Deller):** Oh, I see. I see what you mean. If the ruling had gone the other way: Is that—

**Ms. Lisa MacLeod:** How about I don't comment on that specific ruling? I can just say that if any party decided that they wanted to action something on any specific ruling—I'll make this as generic as possible. The feeling was, at least from our deputy House leader, given the circumstances with the media and all the other things that go on outside of what goes on in the chamber etc., that we may have had some issues. She had asked me to raise this.

**The Chair (Mr. Garfield Dunlop):** Yes, Mr. Balkissoon?

**Mr. Bas Balkissoon:** The issue that arises for us, I think, is if you look further down the page, under financial scrutiny and the accountability tools. If we were to change the question period model, would it have a major impact? That's what my concern would be.

**Ms. Lisa MacLeod:** The other thing, Clerk: Perhaps when we're talking about the House calendar and reintegrating routine proceedings with question period, maybe this isn't going to be as much of an issue.

**The Clerk of the Assembly (Ms. Deborah Deller):** I can tell you that with the advent of the current House schedule, it has become more of a challenge for the

Speaker in terms of when to actually deliver rulings and when to hear points of privilege and that kind of thing. It does make it a little bit more—because the mornings are tighter, and in the afternoons you don't have the full benefit of the numbers of members being in attendance.

**Ms. Lisa MacLeod:** So perhaps we could just consider that in that whole package. That would be much appreciated.

**Mrs. Laura Albanese:** I wanted to ask: Can we, as a committee, really direct what the Speaker is to do?

**Mr. Bas Balkissoon:** Through the standing orders.

**Mrs. Laura Albanese:** Through the standing orders.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, the standing orders can. I guess what I'm trying to say with respect to (c) here is that I would counsel some caution in trying to establish by standing order when Speakers should deliver rulings. I think that what you want to do is give Speakers as much discretionary power as possible in the standing orders.

**The Chair (Mr. Garfield Dunlop):** All right. We'll move on, then.

**The Clerk of the Assembly (Ms. Deborah Deller):** So, "Meetings of the House": I guess I spoke to this last week with the marrying of question period and the rest of routine proceedings. So you already know my opinion about the fact that I think by separating them we've given to routine proceedings a lesser priority, a lesser profile, in the day's proceedings.

In addition to that—and I'll give you an example. This afternoon, we're going to do a tribute to a former member who is deceased, and I find it disheartening that we have those tributes with family here and there are very sparse numbers of members in the House. Part of that is—you know, routine proceedings and question period used to be a time in the House that the House built up to, and that whole package was the sort of centrepiece of the House proceedings. Now that we've split the two out, it does give a lesser sense of importance to what I consider to be equally important components of the day's business.

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod?

**Ms. Lisa MacLeod:** Just to underscore what the Clerk has just indicated, I remember that when I first arrived here—and many of you were here at the same time—when we would do tributes to our deceased members or former members, the Legislature was full and every member was in their seat.

Our caucus has talked about this quite frequently. We've had our share of departed and deceased members where we've had trouble getting people in the seats, but the reality is, now we do have committee at the same time, and if you don't have committee business or other meetings here at Queen's Park in the afternoon, after question period you've left.

1330

That's a really valid point, and I think it speaks to the importance of bringing back the question period with the routine proceedings. It's just one of the many reasons

that we support bringing those two elements of our day-to-day routine back together.

**The Clerk of the Committee (Mr. Trevor Day):** If I could just put it on the record, Ms. MacLeod has asked, for the benefit of the committee, for the daily schedules of Canadian jurisdictions. We will be getting you that information so that the committee will have that to look at.

**The Clerk of the Assembly (Ms. Deborah Deller):** I should warn you, some of them are very complicated.

**The Chair (Mr. Garfield Dunlop):** They're very what?

**The Clerk of the Assembly (Ms. Deborah Deller):** Complicated.

**Mr. Gilles Bisson:** Good bedtime reading.

**The Clerk of the Assembly (Ms. Deborah Deller):** Good bedtime reading.

The one thing about the schedule of this House is, it's pretty straightforward. With the exception of the distance between the morning session and the afternoon session, every day is pretty much the same. What you will find is, in some jurisdictions, every day is different. There are benefits to that, so you'll want to learn about those as well, but schedules are quite different across the country.

**The Chair (Mr. Garfield Dunlop):** Okay. Private members' public business: Gilles, did you have a question?

**Mr. Gilles Bisson:** No, no. So we're at meetings of the House?

*Interjection.*

**Mr. Gilles Bisson:** Okay, sorry.

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Private members' public business on Thursday afternoon: I think that's really going to be something for the committee to decide. The important thing for me in the most recent changes was that it expanded the number of private members' items from two to three in a week. I think that's a good thing, because it increases the opportunities that members have to initiate a matter for consideration in the House. So for me, the important thing is that it did get increased.

In terms of when the best time to do it is, you as members kind of need to discuss that and make that decision on your own in terms of what fits best in your minds with your own schedules. I think it's important to consider the ability of out-of-town members when you're talking about Monday mornings and Thursday afternoons, but again, the whole question of when private members' public business falls is something that the committee should have a full and fair discussion about.

**Ms. Lisa MacLeod:** One of the interesting comments that came out of yesterday's meeting—and I apologize; I'm not sure who made it, and perhaps it was our clerk from the committee—but it was suggested that we don't need to keep private members' public business together, all three PMBs, but they could be spread out for an hour at various parts throughout the week. I'm wondering if

you have any experience of seeing something like that, or if this would be a problem.

It seems to me it wouldn't be a bad idea, given that from time to time we do have an afternoon where there might be—it is the case that sometimes a caucus will put forward a bill through a private member, and then there's a private member's bill that not all of the caucus supports, so there becomes a bit of a dance that way about members wanting to either be there or not, for a particular vote. None of us are so naive as to think that that does not occur. So I'm just wondering if there is a way.

Again, I'm not sure who raised it yesterday, but I thought it was an intriguing idea, that it goes on for an hour regardless of what day it is, and split them up. I'm just wondering if it's anywhere—

**Mr. Gilles Bisson:** I'm just going to add to that—

**The Chair (Mr. Garfield Dunlop):** Jeff's first, Gilles, and then Bob's after—

**Mr. Jeff Leal:** Thanks, Chair. I think there is some need to have some flexibility when we discuss private members' bills. I know with our caucus, on Thursday afternoon, particularly our northern members are arranging for their flights, to get flights at appropriate times so they can get back in their ridings to do their constituency stuff all day Friday.

So if that block could be broken up somewhat to deal—you know, some of the ideas that get discussed—my experience here is that some real novel stuff gets discussed through private members' bills. I think it's somewhat at times disrespectful on all sides of the House when we have good ideas that go through this process, but often there's just a corporal's guard there to really engage what I think are some pretty fundamental issues that are being raised. So if there's a way to have some flexibility in terms of breaking up the three bills and slotting a time, I would think that would enhance, particularly, backbenchers and their role in the Legislature.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I'll let my colleague go first.

**The Chair (Mr. Garfield Dunlop):** Okay, and then Bob. Go ahead.

**Mr. Jonah Schein:** Just as we move down this list, it would help me if we had a little bit of context before each note here. Like, why are we considering moving—I hear now that it's for the benefit of out-of-towners that we've moved private members' business from Thursday afternoons. I wonder if somebody from the subcommittee could just present why we're actually debating putting these things forward. That would help me.

**The Chair (Mr. Garfield Dunlop):** It was a discussion topic about standing orders more than anything. We thought, as a committee looking at changes to the standing orders, that this might be something of interest to different members.

**Mr. Jonah Schein:** I understand why, and some are straightforward, like the idea of making the Legislature more accessible. That makes sense. But without context,

I don't understand why we're bringing some of these forward.

**Mr. Gilles Bisson:** Chair, I think Mr. Schein raises an important point, because in the context of being here and not knowing what the subcommittee talked about—what's the context? So if members need context, they ask for that, and the subcommittee can tell you why. I think that is a fair comment, so I'll start with that and I'll be very brief. I'll not be more than about 60 seconds.

The reason that was raised is because out-of-town members often want to be here because there's something in private members' that's interesting, and you end up missing your flight, so you don't get home till Friday. That's simply why this is being talked about. When you get to orders of the day, if you were dealing with a general government bill, then you would say, "Oh, I'm the critic. I need to be here on Thursday. I'm scheduled. I'll be here"—otherwise, "Oh, that's Mr. Tabuns. I don't need to be here. Therefore, I'm getting on the plane at 3:45." It's as simple as that.

I have two questions to the Clerk on this—

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, I don't want to belabour the point, but I think part of what you need to keep in mind here is that for new members particularly, some historical context is probably—

**Mr. Gilles Bisson:** Very important.

**The Clerk of the Assembly (Ms. Deborah Deller):** —also important. Mr. Schein has only ever seen private members' business on Thursday afternoon. What has happened here is that it was switched a couple of years ago from Thursday morning to Thursday afternoon. I think there are varying opinions on whether that was a good thing or a bad thing, and I suspect that's what led to it being—

**Mr. Gilles Bisson:** I just want to hear from the Clerk very quickly after she's heard from Mr. Delaney—two questions. If we were to do three private members' bills on Tuesday, Wednesday and Thursday mornings—one-hour debates or an hour and a bit, whatever it is—and then we'd have the ability to defer the votes to after question period, is that a good or a bad thing on those two points?

**The Chair (Mr. Garfield Dunlop):** Mr. Delaney, then Mr. Balkissoon.

**Mr. Bob Delaney:** I think this is a really interesting idea that is well worth exploring. It's as much a quandary for those of us who are in the GTA as it is for those who, as Gilles points out, have all got to scoot and go home. I very much—

**Mr. Gilles Bisson:** And our members used to always complain from Toronto, "Why am I always here?"

**Mr. Bob Delaney:** Exactly. Here's my proposal on this. We're likely going to grapple with a number of different ways of doing it. I'm wondering whether, as a committee, we can agree on a trial basis to try more than one different way of doing it for a period of, I don't know, a month and give it two or three trials, then try a different way and then maybe try a third way or try two

ways, whatever the committee ends up with, and at the end of it have the benefit of some hands-on experience with more than one different way of doing private members' bills so that we can make an informed choice.

**The Chair (Mr. Garfield Dunlop):** That's a good point. By the way, we do have a whole section on private members a little later on.

1340

**Mr. Steve Clark:** Now that Mr. Delaney made that suggestion, I think it's a good one. That's always been the complaint that I've seen, coming from the east: You've got to schedule your time; you've got to get back to your riding and try to have a full constituency day. So, I think the convention of switching it up and having some different options, whether it be Tuesday, Wednesday and Thursday morning for an hour or some other suggestion, is very innovative, and I think that's the way we should proceed: try to mix it up a bit and get some feedback from the members.

**The Chair (Mr. Garfield Dunlop):** Okay. Laura? I'm sorry. Bas and then Laura.

**Mr. Bas Balkissoon:** Just a question of the Clerk. Are there places where maybe when a member tables their private member's bill at first reading, then it gets vetted at a committee as to whether this is a valid bill requiring debate in the House? I see so many bills going for debate in the House versus how many make it into legislation. I also see a lot of bills that come to the House just to provoke one another. Maybe a committee could vet those all out and say, "You know what?" and then we'll have less bills actually in a full debate, and it could become a wholesome debate. Is there any model around that works that way?

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I—

**The Chair (Mr. Garfield Dunlop):** Laura has a comment as well, and then—

**Mrs. Laura Albanese:** My comment gets back to Mr. Schein's comment. What I was trying to say earlier is that maybe it would be helpful to have a little bit of context on each of the items as we're going through the standing orders here, the agenda that we have before us, not only specifically to the one that we're discussing right now.

**The Chair (Mr. Garfield Dunlop):** The intent was, this was a brief overview of the committee?

**Mrs. Laura Albanese:** Yeah, exactly.

**The Chair (Mr. Garfield Dunlop):** We can give a bit of a quick summary.

**Mrs. Laura Albanese:** Very brief, just as Mr. Bisson did.

**The Chair (Mr. Garfield Dunlop):** Okay. However, we've discussed this one to death, I think—

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just respond, then, to the—

**The Chair (Mr. Garfield Dunlop):** Okay, go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** First to Mr. Delaney: Your suggestion of putting things into place on a trial basis is one that we've done before,

and my strong advice, especially if you are making significant changes to the procedures, is that you make a recommendation that they be put into place on a provisional basis. It's a motion that we can show you an example of, that's happened in the House, that the standing orders be changed provisionally, and you put a deadline on that so that if by such-and-such a date there has been no amending motion that comes forward, it's permanent; otherwise, you may want to tweak it or change it or try something else out. So, yeah, that's certainly the way you should proceed with that.

Gilles's question was if private members' business was one hour on Tuesday, Wednesday and Thursday morning, with the ability to defer votes. I can't really see a downside to that. Then presumably the time for government business is made up for on Thursday afternoons.

Mr. Balkissoon's issue: You're going to want to look at some procedures for private members' public business in other jurisdictions. Specifically with your comment about a committee that vets private members' business: The House of Commons does that in a kind of way; they have a liaison committee, and it decides on which items will be votable and which items will be nonvotable items, so that nonvotable items are simply dealt with and disposed of in the House. In other words, they get a—

**Mr. Bas Balkissoon:** Yes, but without debate? Would there still be a full debate?

**The Clerk of the Assembly (Ms. Deborah Deller):** For the nonvotable items, it's a shorter debate process, and then the votable items are the ones that—

**Mr. Bas Balkissoon:** Full debate.

**The Clerk of the Assembly (Ms. Deborah Deller):** They actually could come back to the House on more than one day, and sometimes the debate can be as long as five hours in total, with the matter then going off to committee. It's what I would say is a very complicated procedure. It probably doesn't need to be as complicated as it is, but some form of that is something you may want to consider.

**Mr. Bas Balkissoon:** Okay, but there's no Parliament in Canada that allows a committee to make a final decision on a bill and just report to the House? A private members' bill; not government business or opposition.

**Mr. Gilles Bisson:** I think we're getting into the weeds here. Yeah, we're getting in the weeds, because I think—

**The Chair (Mr. Garfield Dunlop):** We're not making a final decision here today. We're walking through what we're going to do in the future.

**Mr. Bas Balkissoon:** Chair, I was just trying to find out—if there's anybody out there doing it, I'd like the researcher to come back.

**The Chair (Mr. Garfield Dunlop):** Yeah, and we've asked for that information from the research department, to come back to us with.

**The Clerk of the Assembly (Ms. Deborah Deller):** One last comment on this issue of moving it from Thursday afternoons is that you actually set aside a decision on that until you've gone through your consideration

of private members' public business, because once you decide what form it takes, it's going to be easier for you to decide when during the week and when in the schedule it should take place.

**The Chair (Mr. Garfield Dunlop):** If you look down on your list, you might see that the second-last one, private members' public business—we actually want to do a complete study of private members' public business. I'll consider the study done because we've dealt with it today.

All right. Next—

**Mr. Gilles Bisson:** Can I ask you, Chair: Did we skip over joining question period and routine proceedings? Did I miss that?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, you were here.

**Mr. Gilles Bisson:** I don't want to go back into debate, but we're going to look at it. Okay, good. That's fine. Move on.

**The Chair (Mr. Garfield Dunlop):** Sitting times, debate.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sitting times for out-of-town members: I think that's kind of the same issue you need—

**The Chair (Mr. Garfield Dunlop):** Yup.

**The Clerk of the Assembly (Ms. Deborah Deller):** "Speaking times extended"—okay.

**Mr. Gilles Bisson:** I think the Clerk needs context and I think new members need context.

There was a time—and you said this when we were together the last time. When I came here, there were no limits on debate. What that did was, we just went, "Okay, this bill? Forget it. We're not going to talk about it. This one, we're going to talk about." So there tended to be more meaningful debates on issues. That's the issue we're trying to get at. So it's not about extending speaking times per se; how do we get at the issue of having meaningful debates on issues that we all care about? When we all agree on something like bullying, we just have a way of dealing with that stuff and moving it on.

**The Clerk of the Assembly (Ms. Deborah Deller):** On that issue, I think what you might do is take a look at the procedure that Saskatchewan has with allocating—and this goes to one of the suggestions Mr. Leal had last week, which was, there's a certain allocation of time in the aggregate, and you then work out how you're going to spend that time on each of the matters. There's an onus in that scenario on the government to come forward with its legislation in a pretty timely fashion, and there's an onus on the opposition to make sure that they pick their fights or are a little bit more careful with what they decide they want to string out debate on.

**Mr. Gilles Bisson:** Does anybody else do that?

**The Clerk of the Assembly (Ms. Deborah Deller):** The Yukon.

**Mr. Gilles Bisson:** Okay. Anybody else? Scotland?

Can I make a request to the Clerk and make it a very simple 10 seconds? Can we look to see if there are other

jurisdictions that do what Saskatchewan does? Because it's essentially kind of a funny programming motion.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. It's kind of a programming process without specifics.

**The Chair (Mr. Garfield Dunlop):** Jonah? Any questions?

**Mr. Jonah Schein:** So are we proposing to extend the clock or to remove the clock? I'm not sure if that's what's happening.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think what you're doing is looking at either one of those two options.

The other thing to determine is: Do you need time limits on speeches? I think if you're going to get into that discussion, then you have to have some kind of a safety catch to prevent what led to time limits on speeches in the first place, which was an extraordinarily long filibuster that frustrated the government's ability to govern. If you wanted to trial-balloon an elimination of time limits on speeches, I think you'd also have to have some kind of limit or ability for that debate to be ended at a certain point.

One of the things you can do that we've kind of fallen into under time allocation is this sort of three days or six hours or just half-hours of debate at second reading as kind of the minimum requirement. The other thing you might consider is: If we eliminated time limits on speeches but maintained a maximum period of time for a debate at second reading on a bill, then it's kind of up to each party to self-govern in terms of who speaks and for how long.

1350

**The Chair (Mr. Garfield Dunlop):** Bas?

**Mr. Bas Balkissoon:** Actually, the Clerk covered it. I just wanted to make sure there was protection against filibusters.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Gilles Bisson:** But on that point, filibusters have served a very useful purpose in the history of Parliament.

**Mr. Bas Balkissoon:** But it must come to an end at some point. That's all I meant.

**Mr. Gilles Bisson:** Yeah, I know, but I'm saying that the issue we're trying to get at here is, there was a time when there were absolutely no time limits and the House actually worked better because we never time-allocated. There was no such thing as time allocation. It was really up to the parties to get together and to say, "What are we really interested in talking about?"

So I think what we're trying to get at—I recognize, because I've been in government; same thing—government has got to get its agenda through. So let's go from the basis that the government has got to be able to govern and get its agenda through. However, the opposition has got to be able to scrutinize, and how do we do that? Do we remove time limits altogether and go back to the past? I think the culture of this House—we'd have to change it to get there.

Do we look at the Saskatchewan model? It's an interesting model, which is essentially a huge programming motion that says the government has to say, by such and such a date, "Here are all the bills that we want to pass within the session. And now, Mr. Oppositions, Mrs. Oppositions, figure out how you want to debate it."

Or do you have a limited time on debate for each bill and then it's up to the parties to be able to decide, "Bisson's going to get up for 10 hours and nobody else," or "Jonah Schein's going to get up for 10 minutes"? I think it should be the other way.

**The Chair (Mr. Garfield Dunlop):** We understand you're in favour of filibustering, okay? So that's fine.

**Mr. Gilles Bisson:** No, no, no. Chair, with all due respect, I am not arguing—

**Mr. Bas Balkissoon:** I hear you, but I'm just saying there should be a safety net—

**Mr. Gilles Bisson:** I know it was a funny comment, but I'm not in favour of filibusters. I'm trying to figure out how we can have meaningful debate in this place and allow the government to pass their bills and allow the opposition to scrutinize. That's my point.

**The Chair (Mr. Garfield Dunlop):** Yes, and I'm just trying to point out that we're not trying to decide it here. This is a series of things we'd like to discuss through this process.

Mr. Clark?

**Mr. Steve Clark:** I just want to understand the consensus here. The Clerk has talked about some other jurisdictions, so we're going to get a report looking at those different models. She made an excellent point that some of the jurisdictions, from an opposition perspective—it allows the opposition to pick their battles, but it also gives that consensus opportunity amongst the government and the opposition. Is that how we're moving forward? She's going to take three or four jurisdictions and come back on this particular issue? Because if that's the case, then let's move on.

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod.

**Ms. Lisa MacLeod:** I just think, further to Mr. Bisson's point, I spoke to this last week about making sure we have quality debate, not just quantity. I think of a lot of new members who come to this place, and asking them to speak for 20 minutes is quite a daunting task. I remember, for me, it was, and now, of course, you can't stop me from talking. It doesn't matter who you are.

**Mr. Bob Delaney:** Let it be noted that that's on Hansard.

**Ms. Lisa MacLeod:** But the reality is, I think, sometimes I've also felt, in debating, that I've been constrained. I think it's important for us to look at, if the flexibility is feasible; if it isn't, then we move on. But I think that's really important for us to have that consideration. I take it away—not even the filibustering issue. I think we have to look at how we actually bring quality debate and have members speaking at a time when they have comfort, because sometimes an hour doesn't necessarily mean—people feel compelled to eat up time, and

maybe that's not the best thing that we need to be doing here.

**The Chair (Mr. Garfield Dunlop):** Jeff, and then we've got to get down this list here.

**Mr. Jeff Leal:** Mr. Chair, I'll just be very quick. Ms. Deller, the Saskatchewan model, which I happen to think has some merit: I'd like to know the perspective of the opposition in Saskatchewan. Do they feel that there is adequate time for them to do the appropriate scrutiny for bills in Saskatchewan? That's what I'd like to know, from that perspective.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's important to keep in mind, when you do visit other jurisdictions, that what you want to do is have us set up a program for you where you're hearing from both sides of the House and the clerks, and about how it actually works.

**The Chair (Mr. Garfield Dunlop):** All right. Let's move to the next item, then.

**The Clerk of the Assembly (Ms. Deborah Deller):** "Take-note and emergency debates": Emergency debates—

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, opposition day—the evolution here is that opposition days were intended to replace what we once had with respect to emergency debates. The reason for that is, it gives the members of the opposition an opportunity to initiate something for consideration in the House, and it's not dependent on whether or not the Speaker thinks it has merit. So I'm not a big fan of going back to the days of emergency debates.

Take-note debates, they use in Ottawa still. The idea in a Parliament is that what Parliament is supposed to be about is to make decisions. Take-note debates result in no decision, but it's an opportunity for some discussion. I guess the question is, is there time in the House for that to happen?

**The Chair (Mr. Garfield Dunlop):** Lisa has a question.

**Ms. Lisa MacLeod:** Just to bring context to this debate, and why this is here, we had considered that if there was an emergency possibly it could occur in the evening, with support from the House. It would be on an issue that is of importance, I believe we said provincially or nationally. I will give you a couple of examples where I think members might want to take off their jersey and have a discussion.

One is bullying right now: We're talking about that, people are bringing a lot to the table, but that might have been an issue where we could have started before a bill was brought.

Another issue that I think I would have liked to have learned a little bit more about as a member here was what was happening in Attawapiskat. That, I think, would have been beneficial to us to have a discussion—maybe not on legislation, but to seek answers from a minister but also provide our own advice.

I think from time to time we've lost that here. Because not everything is suitable for question period, and not everything is just "go get them": go after the minister or the parliamentary secretary. This is a big province. I'm from Ottawa, so I hear a lot of things, but it's mostly through a federal lens. I'm going to be very honest with you; I'm sure you all expect that. So I look at things and I think, could we be doing a better job there? Or could I understand this a little bit more from what my colleagues—and I know Mr. Bisson is here, and that's in his riding. I think that there's an opportunity, and that's why I'd put that out there. I know when I was working on Parliament Hill, there was one on BSE and another one on the Mirabel airport, where the opposition had an ability, or even the government, to discuss important matters of the day.

That's why that's there. I hope that brings context to why it's there. Maybe those two options aren't the appropriate ones, but maybe we should have the discussion on what is.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah, it's like a placeholder. I think it would be worth taking a look at what the House of Commons does with respect to—certainly with take-note debates. We might also provide you with some information—I'm sorry, Larry; I'm making a lot of work for you—about the UK. Our late show is called the late show, but it's an adjournment debate. In the UK, they use adjournment debates for a lot more reasons than we do. In other words, it's not just an opportunity to talk about dissatisfaction with an answer to a question that occurred in question period. It can be used as an opportunity for the kinds of things that you're talking about, where it's simply a debate on a particular issue that is of concern at that moment.

**The Chair (Mr. Garfield Dunlop):** Jeff, and then Gilles.

**Mr. Jeff Leal:** The emergency debates in Ottawa, historically, have been due to international circumstances—Suez in 1956, the Cuban missile crisis in 1962—and the Parliament of Canada responded to those things. We defined some areas, right? But traditionally, in Ottawa it's always been an emergency debate related to an international incident where Canada potentially was going to be playing a significant role—maybe the commitment of men and women into a theatre.

**The Chair (Mr. Garfield Dunlop):** Gilles, you had a comment?

**Mr. Gilles Bisson:** Two things. One is to take a look at the UK adjournment debate; I think that's useful. I would only say this. I don't know if that's appropriate, but that it be up to the discretion of the Speaker, because at times, to be blunt, all of us will use it for political reasons. Is that really the intent? Or is it the intent to have a real, meaningful debate on a matter of importance to the public? So if we can look at it from that context.

**The Chair (Mr. Garfield Dunlop):** Any comments? We'll move on to the next topic.

**The Clerk of the Assembly (Ms. Deborah Deller):** Opposition days: I think we talked about this at some length last week, about embedding a right of reply for the mover of the motion; it is there currently, but you might want to take a look at it and put some—

**Mr. Gilles Bisson:** I would only argue, it is there, yes, but what you could do is, to clarify the chicken thing, what happens is—just for members, again, context from our conversation—parties decide not to use their time as a way of forcing the mover of the opposition day to speak out all their time, so you don't get the right to reply. So maybe we can make that more explicit?

1400

**The Clerk of the Assembly (Ms. Deborah Deller):** It goes back to culture.

**Mr. Gilles Bisson:** I know, but I think by a standing order we could make it explicit. That's my point.

**The Chair (Mr. Garfield Dunlop):** Next one?

**Mr. Gilles Bisson:** The last part, on deferral: Is there any view that the Clerk has that deferral of opposition days would be a good or a bad thing?

**The Clerk of the Assembly (Ms. Deborah Deller):** I think that the only reason it's not deferrable under the current rules was the intent was that it was to be a matter that was taken up and dealt with—in other words, there was a decision on it—in the same sessional day. But beyond that, there's no real issue in my mind with allowing a deferred vote on an opposition day.

The beauty about it, if you were to go the route of saying, "Okay, we're good with deferred votes on opposition day," is that then you could reduce the bell from 10 minutes to five minutes on opposition day and use the five-minute excess for the right of reply, so that it doesn't take any time out of the amount of time allocated to each caucus.

**Mr. Bas Balkissoon:** But that would be on the basis of deferring every vote.

**Mr. Gilles Bisson:** We can defer every vote.

**The Clerk of the Assembly (Ms. Deborah Deller):** No, it wouldn't be, because you'd still have a five-minute bell, and within the five-minute bell, if a deferral slip is forthcoming it can be deferred. But otherwise, the vote would occur as it usually does.

**Mr. Gilles Bisson:** We can defer anything else, except for private members' and for opposition days, right?

**The Chair (Mr. Garfield Dunlop):** Next one, then, Deb. Information?

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. "Information on confidence convention": Confidence is not a procedural matter. It's not something beyond the provision in the standing orders that allows want-of-confidence motions to be moved, and you can see there's a number of them allocated to each opposition party currently in the standing orders. Confidence is a sort of constitutional and political matter. I've talked to some of your caucuses about that. There are what are considered to be explicit confidence motions, implicit confidence motions and conventional confidence motions.

For example, the vote on the budget motion is conventionally considered to be a confidence motion. There are explicit confidence motions, which is a motion that specifically says, "This House has lost the confidence of the government" for whatever reason, or conversely, "The House continues to have confidence in the government."

Then there are the more difficult-to-define motions on money bills, for example, that may or may not be confidence motions. But you're never going to have a Speaker ruling on whether or not something is a confidence motion. That is something that's determined by the government of the day. I think that, in certain circumstances, it would be hard for a government, in the face of losing a motion that is conventionally considered confidence, to withstand that and remain in office. All I would say about that is, you can't really write confidence into the standing orders.

**The Chair (Mr. Garfield Dunlop):** I want to remind the committee that we'd like to get through this list today, because the Clerk and the staff have a lot of work to do next week on this. Mr. Bisson?

**Mr. Gilles Bisson:** I realize that, and we have all summer. We can sit every day this summer if we wish, and I think we need to do this right.

**The Chair (Mr. Garfield Dunlop):** You said that.

**Mr. Gilles Bisson:** I have just two things under "Debate" that we didn't raise in subcommittee. One is, is there a good reason why we couldn't change the rule that you can't have the same bill debated twice in a session? Currently, let's say you introduce a bill or a motion that says, "In the opinion of this House, we think there should be a response to SARSX," and for whatever reason the motion needs to be debated again. Is there a good reason why we shouldn't be able to do that?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, I think so, because the House could be revisiting over and over and over again the same subject that they've already made a decision on.

**Mr. Gilles Bisson:** Okay; I put up a white flag right there. I'm done. I just wanted to ask the Clerk.

The other thing is, currently in the standing orders we're limited to five opposition days and essentially a 10- to 12-week session fall and spring. There's no reason why we couldn't have more; that's just a question of ordering the House.

**The Clerk of the Assembly (Ms. Deborah Deller):** That would be entirely up to you.

**Mr. Gilles Bisson:** Okay, thank you. So I want to put more opposition days on the list.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Gilles Bisson:** See, I wasn't very unreasonable as to my time.

**The Chair (Mr. Garfield Dunlop):** Oh, I see. Okay; Legislative process: separating omnibus bills.

**The Clerk of the Assembly (Ms. Deborah Deller):** "Separating omnibus bills": I think last week I mentioned—and I still think it's a worthwhile thing to look at—some Australian jurisdictions where, rather than

have omnibus bills, they might have multiple bills that deal with a thematically similar subject and there is an ability to debate and to consider those bills together. So it doesn't chew up any more time than it would if we had an omnibus bill, but what it does is allow the House to vote separately on each one of those matters. I think that's something very worth looking at.

**The Chair (Mr. Garfield Dunlop):** Comments?

**Mr. Gilles Bisson:** A quick question.

**The Chair (Mr. Garfield Dunlop):** Go ahead.

**Mr. Gilles Bisson:** If you required Committee of the Whole after every bill at second reading, would that be a good thing—only to deal with that issue, not to debate the value or the merits, but to separate out? Is that a way to deal with it? I know it's a crazy idea, but I put it out there.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. Sorry, we might be talking about two things, because I'm not talking about having one bill—okay, I should back up, then. Separating omnibus bills, in and of itself—you have to remember what the requirements are of passing legislation. There must be three readings. So if what you're talking about is having a single bill introduced at first reading and then somehow farther down the process separating it, you're going to have an issue that you haven't given first reading to those separated bills. So there's a complexity to it that I'm not entirely sure would even be possible to do. There is an ability currently to sever bills if they have distinct parts.

You may differ, but my preference would be to go at it the other way, which is, you have thematically similar bills introduced as single bills and group them for consideration, rather than having the omnibus bill somewhere down the road separated out and considered differently just because you want to meet the first, second, third reading requirement on each bill.

**Mr. Gilles Bisson:** Is that what they do in Saskatchewan? In a funny kind of way with their big programming motion, is that kind of what they're doing?

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, not really. I guess you might say that in any programming motion you could require that a number of bills be considered simultaneously.

**The Chair (Mr. Garfield Dunlop):** Lisa?

**Ms. Lisa MacLeod:** Is there a process in place—and I think you may have touched on it. Let's remove omnibus bills for one moment, because one of the things that I have some questions about is actually the severance of a bill, where it could come to the House and there could be a vote on certain parts of one bill and then an element of that bill be voted on separately, so there would be two votes and do that as a severance.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. The vote on the individual sections of a bill occurs at the committee stage, at clause-by-clause stage—

**Ms. Lisa MacLeod:** Yes, but could it occur in the House?

**The Clerk of the Assembly (Ms. Deborah Deller):** —and if we used Committee of the Whole, it could occur there too, in Committee of the Whole House.

To my knowledge, the only ability of any Legislature to sever bills is when there are distinct parts to the bill. In other words—there are very few bills constructed this way, but some bills are constructed so that there is part I and part II, and they are very distinct within the bill itself. In those cases, by motion, bills can be severed and considered separately, but beyond that, I wouldn't—

**Ms. Lisa MacLeod:** Not by clause.

**The Clerk of the Assembly (Ms. Deborah Deller):** I don't know of anywhere where you can separate out specific clauses of a bill and have them voted on separate to the bill itself in the full House.

**Ms. Lisa MacLeod:** This was raised to me by one of my colleagues who works on Parliament Hill, who suggested that for one of our bills before the House.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. Well, we can take a look at it.

**The Chair (Mr. Garfield Dunlop):** “Committees to consider issues prior to introduction of bill”: Deb, do you want to deal with that one?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Number (l).

**Mr. Bas Balkissoon:** I thought we discussed that—

**The Clerk of the Assembly (Ms. Deborah Deller):** Did we talk about that at the outset, I think, about—

**The Chair (Mr. Garfield Dunlop):** Oh, yeah. Okay, sorry: “(m) Bills not to receive second”—

**The Clerk of the Assembly (Ms. Deborah Deller):** In the same sitting. Now, are we talking here about spring sitting, fall sitting?

**Ms. Lisa MacLeod:** Yes. I can give some context. That was actually Mr. Bisson's idea, and it was so that we actually provide a bit more thought into our debates and we don't rush to judgment, that we actually take the time to consider—and it would allow committees to have the opportunity, through the intersession, to meet and spend a little bit more time.

**1410**

One of the things we talked about a great deal yesterday is our time spent in committee—and we'll talk about it down there a little bit further. We don't often have enough time to probe witnesses, to ask detailed questions and then do a bit more study. A lot of this has been time-allocated and very rushed.

I hope I've done you justice, there, Mr. Bisson. That's what you had suggested and I had agreed with you.

**The Clerk of the Assembly (Ms. Deborah Deller):** Again, this is one of those things that used to happen naturally, where, because the committees used to do the bulk of their work in the spring and the winter recesses, bills that got second reading in the spring or the fall were sent out to committee. So in fact, you rarely saw second and third reading of a bill, unless there was complete agreement in the House. It's one of those things that used to happen naturally.

I'm going to say something very clerkly now, which is that one of the beauties of a parliamentary system is that it has the effect of slowing things down a little bit. Often, that's a good thing, because there are often unintended consequences—not just changes to the standing orders but legislation as well. So it's usually better to get a fuller appreciation of the impact of legislation.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Given that it's going to be hard to change the culture of the House, maybe a standing order change is in order.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's something you could consider, certainly. And you know what? It's probably something to be considered in the context of the discussion that you're going to have on the speaking times and the Saskatchewan model, too, of the amount of time.

**Mr. Gilles Bisson:** Let's look at that. That would be good.

**The Chair (Mr. Garfield Dunlop):** Okay, time allocation versus timetabling.

**The Clerk of the Assembly (Ms. Deborah Deller):** Timetabling: I presume what you're talking about there is the programming model, where you take a number of different bills, motions, whatever and put them together—not put them together but determine a timetable?

**Mr. Gilles Bisson:** Can I clarify? If we didn't do programming motions, Saskatchewan model, and we decided not to go that way, is there a way of dealing with time allocation in a more progressive way?

In context, for members who are here, there was no time allocation ability in the past unless all the parties agreed. It really meant to say that you had full discussions about bills and you had to pick your priorities: "This is not important; we're not going to talk about this. That is important; we're going to talk about that." I won't say whose governments, but under certain governments virtually every bill gets time-allocated. So if we can't do a programming motion and we decide not to do the Saskatchewan model, is there another way at it? That's a tough question.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, and one that I'll probably want to think about for a bit.

**Mr. Gilles Bisson:** Okay, go away and think about it. That's all we're asking you to do: Go away and think about it. You don't have to give us an answer today.

**The Clerk of the Assembly (Ms. Deborah Deller):** No, but it would be worth taking a look at the whole time allocation process.

**Mr. Gilles Bisson:** That's what we're getting at. We don't need to have a debate; we just want you to look at it. Chair, I'm a fairly helpful guy.

**The Chair (Mr. Garfield Dunlop):** Oh, I can see that. Okay. Let's go to (o), then.

**Mr. Gilles Bisson:** What's the other one, sorry?

**The Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Gilles Bisson:** You said, "Let's go to OLIP"?

**The Chair (Mr. Garfield Dunlop):** To (o), yeah.

**Mr. Gilles Bisson:** Oh. I heard "Ontario legislative interim program." Jeez; sorry.

**The Chair (Mr. Garfield Dunlop):** Bas?

**Mr. Bas Balkissoon:** Which one?

**Ms. Lisa MacLeod:** — restrictions on bills?

**Mr. Bas Balkissoon:** No, I'm on (p), not (o). Somebody else raised (o).

**Ms. Lisa MacLeod:** Oh, sorry.

**The Chair (Mr. Garfield Dunlop):** "Estimates process: Extend third Thursday deadline."

**Mr. Gilles Bisson:** Again, Chair, just for context, all I was getting at, is under the current standing orders, by the third Thursday in November, estimates are deemed to have been read. I'm just saying, maybe we want to do a change to the standing orders that allows that not to happen and in fact that estimates continue until the next budget so that we can do a proper job of estimates.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think you probably want to take a look at the whole estimates process and not just the third Thursday question. The reason is that the third Thursday deadline allows for the subsequent parts of the estimates process to be completed; that is, the concurrences and supply and everything. You want to make sure that there's a sufficient time for that to be done before the December adjournment. That's why the third Thursday in November is the deadline for that.

The other thing you might take a look at, though, is that in the estimates process one of the things you might consider when you get to committees, which is the next section, if you are going to discuss any kind of ability for committees to meet at the call of the Chair, of course that would allow the estimates committee potentially to have more meetings, and then your third Thursday in November might not be as much of an issue.

**The Chair (Mr. Garfield Dunlop):** Okay. Any comments on that?

**Mr. Gilles Bisson:** No. That's fine.

**The Chair (Mr. Garfield Dunlop):** All right. "Money bills: tighter restrictions on wording." Is that yours, Bas?

**Mr. Bas Balkissoon:** Yes. If I could raise this with the Clerk, there have been private members' bills and opposition day bills, and a lot of times it does not read in the bill that it has a budgetary impact but it's worded in such a way that you can read beyond the wording that it does have a monetary impact, and it makes itself into the debate based on the current standing orders wording. It needs to be fixed, because a lot of times the government has no choice but to vote against it because we know it has a monetary impact and it's not in the budget. But I understand that when it goes to legislative staff for drafting, they help the member along to avoid that. I'm just saying, if we want to clean up the place, as my friend Gilles says, and we want to have really good debates, then we need to do something in this particular area.

**Mr. Gilles Bisson:** Can I just comment before the Clerk speaks? I don't think you want to limit the ability of private members to be able to deal with issues in that

way. We understand that in the parliamentary convention we have now, only the government can spend money, but to have the debate is not a bad thing.

**Mr. Bas Balkissoon:** But I mean, a lot of us, as Toronto members, sit through them and we always have to vote no, and then somebody tables—

**Mr. Gilles Bisson:** That's a party discipline issue; that's my point.

**Mr. Bas Balkissoon:** No, no, it's not.

**Mrs. Laura Albanese:** I would say also that we're disadvantaged as perhaps backbenchers from the government, not having that same ability, or perhaps being more cautious, because we sit on the government side. So it's not so much a question of discipline, but then, if I'm following the rules, why would not other members have to follow the rules as well?

**Mr. Gilles Bisson:** I'm not going to get into a debate today. Maybe hear from the Clerk.

**Mr. Bas Balkissoon:** I raise it with the Clerk, because quite often I see the bills and then I understand that the legislative staff is stuck in that they help the member along not to make it look like—

**The Clerk of the Assembly (Ms. Deborah Deller):** In point of fact, Mr. Balkissoon, I'll admit that you've hit on a pet peeve for those of us who reside in the Clerk's office, because you're right: What we consider to be something that could very well be a money bill is getting around the question by sometimes pretty creative drafting.

**Mr. Gilles Bisson:** What's wrong with that?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, and I should say, to balance out the discussion, that in some jurisdictions they have much looser restrictions on what constitutes a money bill.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Just to your point, Mr. Balkissoon, I understand what you're saying, that you don't want the opposition to be in charge of the purse. I understand the argument. In the system of government that we have, only the government can decide when it's going to spend money—no, no, hang on. The House decides, but the government can only propose where money is going to be spent. It's only the government that can do that by proposition to the House.

**Mr. Bas Balkissoon:** Okay, but—

**Mr. Gilles Bisson:** Let me just finish.

**Mr. Bas Balkissoon:** —put it back in your own shoes.

**Mr. Gilles Bisson:** That's what I'm trying to do. So I'm saying, I'm accepting the fact that in our parliamentary system only the government can propose a motion that expends new money. All right? But—

**Mr. Bas Balkissoon:** But I'm looking at it from a government standpoint.

**The Chair (Mr. Garfield Dunlop):** I don't think we need to have this debate today, guys.

**Mr. Bas Balkissoon:** But I need to clarify why I'm looking at this.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Bas Balkissoon:** My friend puts a bill and it has a monetary impact. My finance minister tabled a budget. I've got a minister that's bound to that budget. We as the government have to ensure that that doesn't get approved, because it changes the whole budget and it goes into overexpenditures, and then we get blamed for not managing the public purse properly. It's not right. If the rules were to have that if you propose monetary spending, you have to propose where you're going to find the savings to do it, I don't have a problem.

**Mr. Gilles Bisson:** Then you have to give the ability to tax from the opposition. Do you really want to do that?

**The Chair (Mr. Garfield Dunlop):** I think we've had enough debate on this. We'll move to the next item. Obviously, it's something that we're going to need to discuss more.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's probably worth leaving on the list.

**The Chair (Mr. Garfield Dunlop):** "Pre-budget in the standing orders."

1420

**The Clerk of the Assembly (Ms. Deborah Deller):** That, I assume, is requiring some pre-budget consideration into the standing orders. The only thing I would say about that is—obviously, there's nothing wrong with putting that in, but what you need to consider is how election periods might impact on the ability of a committee to fulfill that pre-budget requirement. In an election year, that sometimes happens.

Filing questions in advance and having the Speaker determine the relevance of questions: You won't ever get anybody to run for Speaker. No, I'm kidding.

*Interjections.*

**Ms. Lisa MacLeod:** We talked about this yesterday, just given how different the British model is, and there seems to have been more flexibility. As well, there wasn't—what I viewed, anyhow, was that there aren't multiple questions or supplementaries, if you will. There's an ability there for a member to ask a substantial question, maybe not even to hold the government to account. I actually watched it for about an hour a couple of Saturdays ago and was just intrigued that they were able to bring, which is very infrequent now, an issue from one's riding to the floor of the assembly and ask a question. Wow, that's a novel idea. It didn't need to be a supplementary and it didn't have to be a "gotcha."

In fact, I've actually said to many ministers in the past, "I won't bring this up in question period as long as we can move it along." Sometimes, however, you like for the folks back home to know that you're raising it in the Legislature, and they want it to be transparent. So my view on this was: Let's look at that.

Then it would allow, I think, even government members, who do have a right—and I do believe this—to ask the executive questions, as you said last week: It might give them an opportunity to talk about things other than the speaking points of the day, which I recognize has gone back 20 or 30 years, the practice.

**Mr. Gilles Bisson:** I do it all the time. I get up in the House and I ask questions about my riding. Why else am I here, unless in my critic—

**The Chair (Mr. Garfield Dunlop):** I was thinking of your government—

**Mr. Gilles Bisson:** Oh, God. Do you want the story? They never gave me another question.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** I just want to echo: When I was given this dem reform portfolio last session, I looked at the UK model many, many times, and I was astonished how it empowered the individual member to ask their own government pertinent questions.

The other issue that I thought was interesting was the whole Prime Minister's question time, which ensured that the Prime Minister was there and allowed him at other times not to be there. But also from a ministerial standpoint, you didn't have every minister get briefed every day; you had time set aside for individual ministries where there could be a really good debate, I thought, and really good questioning on a particular minister so that they were better prepared, so the answer was more thoughtful.

I just think that having a review and looking at the UK system does open up a lot of discussion points for that individual member's rights that I think is very important.

**Ms. Lisa MacLeod:** It has been eroded.

**Mr. Steve Clark:** It has been eroded; no question.

**Mr. Bas Balkissoon:** Chair, I submitted this, and I just want to clarify: The request was that we look at the British model, where you have to file a question in advance but provide the flexibility that if a member had an urgent issue or an emerging issue and they wanted to ask a question, then the Speaker would decide on those extras. The filed questions would be dealt with in the normal fashion, but the other one would have the Speaker's option.

**Mr. Steve Clark:** All I wanted to do was to clarify, because I didn't know what you discussed. I think there are a number of other issues around the UK system that should be part of a review in addition to what you mentioned.

**The Chair (Mr. Garfield Dunlop):** Gilles.

**Mr. Gilles Bisson:** I just want you to know, I would be viscerally opposed to filing questions to the Speaker. I think the issue is, what they do in Westminster is, they have time for the Prime Minister to be in the House to answer all questions. I don't think they can defer, from what I've seen on TV; maybe they can, by the standing orders. That's quite a different issue.

**Mr. Steve Clark:** I know it is.

**The Chair (Mr. Garfield Dunlop):** All right. Let's move to committees now.

**Mr. Gilles Bisson:** Oh, hang on, the Clerk wanted to say something.

**The Chair (Mr. Garfield Dunlop):** Oh, I'm sorry, Deb.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think it's worthwhile taking a look at the whole question

period procedure. I think there are a number of different processes in different areas you can take a look at. In this whole review, I think one of the things I'd sort of caution against is thinking you have to adopt something that somebody else is doing. There's room here to come up with something that works uniquely for this place.

One of the things you might consider with question period is allowing the Speaker—if you're going to allow the Speaker any additional power—to have some more flexibility about whether or not a supplementary is required, because often the Speaker could easily make that call: that the question has been answered sufficiently and there really is no requirement for a supplementary.

*Interjections.*

**The Clerk of the Assembly (Ms. Deborah Deller):** I think you want to be careful about filing questions and having the Speaker determine what is or isn't a question that is relevant enough.

In a dispassionate way, if you take a look at any Hansard of any question period, you will see an example of, on the same subject, a question may be being asked from the opposition side and one being asked from the government side, and yet there will be some back-and-forth heckling about which one of those questions is or isn't relevant, yet they could be on the same day on the subject. Just because the question is phrased differently doesn't make it any more or less relevant. The Speaker, then, gets put into a situation of having to decide whether, if one of those questions isn't relevant, then the other question—

**Mr. Bas Balkissoon:** But if the questions were filed, that probably wouldn't happen.

**The Clerk of the Assembly (Ms. Deborah Deller):** It might not.

**Mr. Bas Balkissoon:** And that's where I was coming from.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think you have a really big cultural shift to make if we're going to say that you want to start giving notice for questions, though.

**Mr. Gilles Bisson:** I think it's an interesting suggestion. I think, if we can look at the UK, they have an interesting model for question period where the Prime Minister needs to be there. Let's look at it.

**The Chair (Mr. Garfield Dunlop):** Okay. Let's move to committees, everyone.

**Ms. Lisa MacLeod:** Just one final point: Last year, I did actually give a question to a minister, and I think the response that I got back as a result of actually giving it to that individual a few hours in advance became actually more partisan, I think, than would have been the response. I think that's the one caution that I do have. Sometimes—and we all do it—it's how to get at somebody. So we have to really look at the unforeseen consequences there and those circumstances.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think you need to give some consideration about what question period is about, too, when you're considering making any kind of changes. The principle of question

period is that it's a period of time that's intended for the legislative to hold the executive to account; for the executive to account for its decisions and actions. That's what question period is.

If the intent, here, is to actually get information, then presumably what you want is to have the member of the executive most equipped to provide that information to answer the question. You need to consider: What's the purpose of question period and what are you trying to achieve in making any changes?

**The Chair (Mr. Garfield Dunlop):** All right. We'll move to committees, number (s), "Authorization to meet at the call of the Chair (intersession included)."

**Mr. Gilles Bisson:** That's pretty simple.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. I've made several comments on this. I appreciate that there may be some particular issues involved with the whips from parties and managing that. To be honest, I'd like to see committees a little less managed anyway, so I'm kind of in favour of allowing committees to meet at the call of the Chair.

**The Chair (Mr. Garfield Dunlop):** Okay. Anything else on that? No?

On to (t): "126 inquiries: simple majority/more power to members."

**Mr. Gilles Bisson:** Chair? I think it's a simple issue. It used to be 50%. We moved it to two thirds for a reason we all know. We should look at bringing it back to 50%.

I would like to look at 126s from the lens of: How can we allow individual members on both sides of the House to be able to say, "I'm really interested in housing policy"; "I'm really interested in Internet policy"—whatever it might be, to be able to bring those things forward to have some meaningful discussion, use the facilities of committees to look at things to see if we can germinate that idea into something, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, and that's all I would say about that.

In looking at this one, I think the 126s were intended to allow for private members to initiate matters for consideration. I think that any consideration of this should be viewed in that context. What you need to take a look at is to maximize the opportunity for members to initiate items for discussion.

**The Chair (Mr. Garfield Dunlop):** Next, (u): "Debating committee reports: limited debate in House."

**Mr. Gilles Bisson:** Just by way of context, it was raised as the context of: Committee reports come back; they're not debated. Is there any value to debating them?

1430

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. I think it's a shame, sometimes, that committees spend an awful lot of time and effort in writing substantive reports and presenting them to the House, and then they die there.

Sometimes, the government will pick up certain elements of a committee report and implement it later on, but I think there is some value in having a limited debate in the House about the report where the committee

members can actually share with the rest of the House what led to certain recommendations in the report and enlighten the House about what the report is.

**The Chair (Mr. Garfield Dunlop):** Committee of the whole?

**Mr. Gilles Bisson:** Look at that, Chair. We're just zinging along.

**The Chair (Mr. Garfield Dunlop):** We are.

"Committee of the Whole House: different times to sit (possibly after 6)."

**Mr. Gilles Bisson:** I love Committee of the Whole House.

**The Clerk of the Assembly (Ms. Deborah Deller):** I do too, and I have to confess, it hadn't occurred to me to have a provision where it could sit after six, but it's not a bad idea. So I think it's worth pursuing.

**Mr. Bob Delaney:** Are you the only one in this room who has actually sat in the committee of the whole?

**Mr. Gilles Bisson:** We used to call it COW.

**The Clerk of the Assembly (Ms. Deborah Deller):** And me.

**Mr. Gilles Bisson:** Oh yeah, of course. All of these clerks have been there. We used to call it COW, not Committee of the Whole House. Some of the best work we've done was in committee of the whole. It really is a very good process, because it allows you, for a limited time, to get into committee to make specific changes to bills to move on. You don't waste time in committee.

**The Clerk of the Assembly (Ms. Deborah Deller):** Todd reminds me that it was 15 years ago today that we were in day three or day four of—

**Mr. Gilles Bisson:** God, I'm getting tired already.

**The Clerk of the Assembly (Ms. Deborah Deller):** —of a nine-day committee of the whole session.

**Mr. Gilles Bisson:** I can tell you, I can share stories about that. It was so funny. As a matter of fact, I did so last night.

**The Chair (Mr. Garfield Dunlop):** Okay, (w) "Referral of government bills to predetermined committees."

**The Clerk of the Assembly (Ms. Deborah Deller):** Just in your travels, take a look at other jurisdictions. Almost all of them have some form of committee of the whole, just as an aside. So it is a worthwhile thing to look at.

Referral of government bills to predetermined committees: I think this intended to mean if it's, for example, a court of justice bill, then it goes to justice policy committee—that kind of thing.

**Mr. Gilles Bisson:** Can I give a context? It was because we thought that if committees can build expertise, then they can deal with specific policy matters.

**The Clerk of the Assembly (Ms. Deborah Deller):** And I think if you want to strengthen and legitimize the role of committees, it's good to allow committees to build an expertise in policy field areas. So as much as you can make that possible, I think it's a good thing.

**Mr. Gilles Bisson:** Can I make a suggestion to that point?

**The Chair (Mr. Garfield Dunlop):** Yes, and then Jeff after you.

**Mr. Gilles Bisson:** Jeff, do you want to go first?

**The Chair (Mr. Garfield Dunlop):** No, you go ahead, and then Jeff.

**Mr. Gilles Bisson:** Just a very quick suggestion. Maybe what we need to look at—and I don't know what happens in other jurisdictions—is more committees but less members, as a suggestion, because we're limited, as far as caucuses, to be able to put as many members as we have in committee, and I certainly don't want to sit on more—

**Mr. Bas Balkissoon:** We'd have trouble with meeting space.

**Mr. Gilles Bisson:** Well, no, we do have the meeting space, depending on how we schedule it. We've got five committee rooms in this place, right? So my question is, can we look at, is there any value to having—I'm not saying a heck of a lot more committees, but you'd have more committees. Instead of having large committees, you'd have smaller committees, so that when you go into committee you have an expertise. When you look at natural resource policy, the members from the caucuses that are there know something about it—health, education, whatever it might be.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** I'm recommending to look at, in Ottawa, the Senate committee on banking and finance. It probably is the best research committee that was ever established in terms of background, and every five years, when we renew the review of the Bank Act in Ottawa, it's standing room only in Ottawa to get out there because of the extensive research, even though the Senate is appointed—but to look at the research capability of that particular committee that does significant work. It has ramifications for every citizen in the nation when they do their deliberations.

**Ms. Lisa MacLeod:** To Mr. Leal's point: I agree. I have some experience with the Senate standing committee on defence and foreign policy.

**Mr. Gilles Bisson:** Transform what?

**Ms. Lisa MacLeod:** I'm sorry; I think I'm getting strep throat.

**Mr. Gilles Bisson:** Transform—

**Ms. Lisa MacLeod:** No, defence and foreign policy. Or transformers—whatever.

**Mr. Gilles Bisson:** My grandson is starting to like them.

**Ms. Lisa MacLeod:** Yes, I know. You've got it on the brain. You must have an Easter present there for him.

I want to echo this, because it came up in subcommittee yesterday, the fact that we want to see some committees with in-depth experience and knowledge of important issues of the day. One of the things I had asked the Clerk for was to look at what they're doing in Ottawa, particularly in the Senate, given we have different constraints than they do. They're appointed for a lot longer than we are. They don't have to go to the

polls. They also sit a little differently than the House of Commons. Usually it's a week after—

**Mr. Jeff Leal:** But the quality of work that's done.

**Ms. Lisa MacLeod:** It's absolutely something that is really important for us to look at: being able to actually study an issue and make a recommendation to the House either for a policy change or legislation, or to have further study.

Now, to your point, and I think we should talk about this because we will have an opportunity to talk about engaging the public: The more relevant we are in our committees—where we're actually doing substantial not only discussion and study but also presenting ideas—the more the public will actually come to committee. It speaks also to this other issue that concerns me, which is this notion that, "Okay, a bill is passed, we now have less than a week." We've all been there, where there has been less than a week assigned to us getting to committee, to bringing people together from across the province to testify as a witness or a deputant, and you're simply not giving them enough time.

One of the issues that I also raised yesterday really bothered me. It was about two years ago, and we had a First Nations chief come into committee. The leader of the third party was asking a question, and the time had expired. I believe he had five minutes or 15 minutes or something. I had asked for unanimous consent, just given this man's stature in our province and the fact that we had a leader of one of the three parties at the table. It wasn't partisan. I felt that there was a good—I was learning something, and I wanted that to continue. We didn't have, for example, a mechanism in place that would have allowed that to happen. So we had that discussion on committees yesterday. There's a whole lot of issues. I think the good thing is—and I say this to our Clerk—it's recognized by every caucus because I think there is a genuine interest of all the members, at least around this table, to actually do some more substantive work at committee, and we're really trying to figure out a way to do that and be more thoughtful, be more productive, but also be more engaging with the public. I think that's why, when we get to committees, we have an awful lot of this, and that is why I've offered my ideas on this issue, because I think we can be doing an awful lot better.

Then, to go back to Mr. Leal's point, I think the gold standard in Canada is obviously in the Senate of Canada.

**The Clerk of the Assembly (Ms. Deborah Deller):** I cannot tell you how critically important I think the committee system is to the parliamentary process. I think it is one of the single most important components of the parliamentary process. It is the liaison between the House and the citizenry. In my mind, it has to be done well in order for the system to succeed. You can solve an awful lot of issues by having a strong committee system, even up to and including voter turnout. If the public is engaged by way of committee, if committees are seen to be working and dealing with issues that are real issues that

real people are dealing with in a way that makes sense, they are going to be paying more attention.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Can I make a very quick comment to that point? The select committee on the Constitution was a very divisive issue in not only this province but across this country. It was a select committee that was formed and, ad infinitum, travelled across this province. I was on it. It was everywhere. I don't think there's a town we didn't go to. But we built a consensus in Ontario about how to approach the Constitution, and what could have been a very divisive issue for Ontario ended up becoming almost a consensus—not quite. Maybe I'm over-categorizing, clerks, but I think it added to not making it a divisive issue. So I think, to your point, committees can really do a lot of good for government, the opposition and the people.

**The Clerk of the Assembly (Ms. Deborah Deller):** You don't have to go all that far afield. I almost hesitate to say this today, but in our own backyard, our public accounts committee in this jurisdiction is a shining example of a committee that works very well.

*Interjection.*

**Mr. Gilles Bisson:** Chair, on the record, except for this morning.

**The Chair (Mr. Garfield Dunlop):** Okay, we're going to move on to (x), "The use of select committees." Anything on that? Anything on select committees?

**Ms. Lisa MacLeod:** This came up yesterday as well. I think, further to what I had talked about a few minutes ago, just so that we're able to do what Mr. Bisson said, which is to actually send members out who have a genuine interest in a particular topic, on an issue, whether it's social or economic or whatever in nature, where we can have an in-depth understanding. Look, a lot of this—and let's be perfectly clear about it—a lot of our job is relationship-building. A good committee structure, or a select committee, allows people who view a certain issue as important to our province and who may have differences of opinion on how to solve that to come together and create not only relationships with themselves but also help foster those among the different caucuses to come up with something that's more sensible, perhaps, than a partisan-driven or ideologically driven piece of legislation.

1440

To Mr. Bisson's point, he had said that they were able to come to a consensus. It may not have been perfect all the time, but there was at least consensus on the Constitution. We've done this extremely well when we've done it, and I believe we've done it only once since I've been here, which was the Select Committee on Mental Health. I can tell you, whenever I speak to—and this is a very important issue to me—people in the mental health field, we in this House have a lot of credibility on that issue. Every member that was a part of the assembly has credibility on that issue. No one member has more than another. We came together to create that. It was a good idea and we need to do more of it. I think it takes

the partisanship away from some of the important issues of the day.

**Mr. Gilles Bisson:** I just want to say, that is a really important point.

**Ms. Lisa MacLeod:** This is coming from the most partisan person here, too.

**Mr. Gilles Bisson:** Listen, I'm going to say something; it'll rain on people's parades. Select committees should be used very selectively; I don't know what the proper word is. Ornge is an example. I think there's a pressing need to review what happened in Ornge. I don't want to get into the debate, but I just use it as an example. Is a select committee the proper way of doing it? I spoke to this in the House when we brought this debate forward. If we had more committees with smaller numbers that had the ability to look at issues that are important to members and the public, then you can actually review an issue like Ornge—if you had the standing orders that allowed that to happen.

We've got to be mindful of how we use select committees. Select committees are, in my mind—this is a really unique thing. We need to look at SARS; there's a SARS epidemic that we need to deal with. There's the Constitution. That's the kind of thing that I think select committees could be used for. My argument is, give the opposition the ability to scrutinize the government because, you know what? The British parliamentary system is really smart. It says, "You as a government have the right to introduce bills. You're the only ones who can do that. You're the only ones who can spend money. And you must get your way in the end—unless it's a minority Parliament."

*Interjection.*

**Mr. Gilles Bisson:** No, no, but that's fair, right? And that is really wise. Man, that is built on 1,000 years of history. But on the other hand, the opposition has a role to scrutinize, and at times the government may feel that to be uncomfortable, but man, that is really good democracy. When the opposition overplays its hand in scrutinizing the government, guess who wins? It's really the government.

**The Chair (Mr. Garfield Dunlop):** Jeff.

**Mr. Jeff Leal:** It's interesting. I get constituents who ask me every day, "Why don't we have a select committee looking at the petroleum industry and gasoline prices?" You know, an interesting topic, particularly now with retired executives from the petroleum industry casting some interesting observations about that industry—a timely topic, but people—

**Mr. Gilles Bisson:** Imagine having good standing committees with the ability to do that.

**The Chair (Mr. Garfield Dunlop):** Thanks.

"Engaging the public: (y) more access to committee meetings (web streaming)."

**Ms. Lisa MacLeod:** That was also mine and that's probably not meant necessarily as a standing order issue. It was something that popped up yesterday that I had suggested, and I think there was a consensus among members that perhaps we consider, maybe not televising

everything, but certainly webcasting every committee meeting.

I think it speaks back to that legitimacy I spoke to earlier, the fact that if they don't see us doing it, 95% of what we do here is lost unless we communicate it. I think it's really important that if we're dealing—for example, there might be somebody out there who would like to participate in this debate, who has some ideas or experience or expertise. I think that it's important that that's available to them.

I want this on the record: I want to thank the assembly in the last couple of years for really moving forward and webcasting the assembly. My constituents, by and large, do not have access to televised debate on cable; they're on satellite, particularly in the rural communities. Secondly, I can tell you—because I'm also not someone who gets the assembly in my own home—my husband will access our debates because you post them, and he can watch me in question period either an hour later or after he's had a great time talking about F-35s with his own boss after their question period.

*Interjections.*

**Ms. Lisa MacLeod:** He thinks we're tame, Deb. In any event, God bless him.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay, so I've asked for—

**The Chair (Mr. Garfield Dunlop):** Oh, sorry. Bob Delaney has a question too, or some comments. Sorry to interrupt.

**Mr. Bob Delaney:** About two or three years ago, I had a private member's resolution, which I had to have as a resolution because the subject was really a little out of scope for the Legislative Assembly, which on a voice vote passed. It said that if a provider proposes to provide cable TV services, then that provider must dedicate at least one channel to broadcasting the proceedings of the provincial Legislature in that province. So Rogers or Shaw or Bell or whatever would have to dedicate one channel to broadcasting the Ont. Parl channel, which at the moment a lot of local TV providers won't carry. I was basically saying, "Well, let's take a stick to them."

Particularly out in the rural areas, you often are caught between a rock and a hard place in that you may or may not have reliable broadband, which you need to have in order to catch streaming video, but by the same token, your local cable TV provider won't provide you with the broadcast feed. So I think among all three parties we can put the word out to our federal colleagues that we would like to see sponsored a federal bill that would be binding on the CRTC that says that if you want to be licensed to carry content, then one of the things you must do—and the feds will say, "Okay, and you also have to broadcast ours." Fair game. But you've got to carry in every province the proceedings of the federal Parliament plus the provincial Parliament in that province. I think we could get somewhere if we brought that up to our federal colleagues.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Folks, hold on a second. We've got about five more minutes with the Clerk, and we've got three questions here alone on this one.

**Ms. Lisa MacLeod:** I'll be very quick. My comment is just to say that Mr. Delaney's point is great. I actually put a motion similar to that on the floor. I recognize that this isn't about the standing orders, but it is important to the integrity of this House. We do own TVO. We could also compel them at least to carry question period at least once a day. That might be something we look at. It was something Bob Runciman talked about when he was here. I've talked about it. I would recommend that members consider that.

**The Chair (Mr. Garfield Dunlop):** Okay, Jonah and then Gilles.

**Mr. Jonah Schein:** Just something to add which is not on there for consideration: I know at Toronto city hall, we've got very engaged residents who participate in city hall. They find it a more accessible space. I'm wondering if consideration would be given to allowing people to bring smart phones into the galleries as well so that people can participate and contribute through social media.

**The Chair (Mr. Garfield Dunlop):** Gilles, just a comment?

**Mr. Gilles Bisson:** I was actually going to echo what Lisa said, because I agree with you, Mr. Delaney. I don't know how we bind the federal government to do anything we want. They haven't listened to us in 100 years. Why should they start now? That would be my first comment.

Number two is, I think Lisa makes a good point, which is that we should look at making sure—we've already done the first step, which is broadband. Maybe we need to expand that to other things. And we need to look at TVO/TFO as an option.

Maybe we could have our own CPAC. I would love our own CPAC. That would help to engage—

**Ms. Lisa MacLeod:** All Gilles, all the time.

**Mr. Gilles Bisson:** No, no, but all BS aside, it would be really good, in my view, and I know it's an expenditure issue, but a CPAC thing that is not partisan in the sense that they're one party or the other but that allows us to focus on provincial politics. My view is, there is much more going on that affects people in this Legislature than ever happens in the House in 100 years federally.

**The Chair (Mr. Garfield Dunlop):** Okay. "Information on e-petitions" is fairly self-explanatory.

**Ms. Lisa MacLeod:** The concern that we had there—I think we all had voiced concerns yesterday, and I put it to this committee, that we have the appropriate security mechanisms to ensure that the true names are actually signing it. We're all, I think, for opening technology up, but we just want to be sure that it is a secure network and that no one is breaching—

**The Clerk of the Assembly (Ms. Deborah Deller):** And I think we're compiling information for you from

jurisdictions that do allow e-petitions to find out what their processes are.

**1450**

On the issue of web streaming, I have asked for a bit of a report, just for our own benefit, about what we would require in terms of extra bandwidth and cost and everything of web streaming committees on a more regular basis.

One other thing I would just say about technology is: I would implore you not to let the use of technology diminish the role and responsibility of committees in travelling to communities across the province when they're conducting hearings to allow maximum participation from the public.

E-petitions is fine. The study on private members' public business: I think that's a really big one that you want to take a look at really in depth—

**The Chair (Mr. Garfield Dunlop):** Well, we discussed it earlier. The sundry?

**The Clerk of the Assembly (Ms. Deborah Deller):** And then the sundry: Again, that's just going to be a matter of discussion among yourselves.

**Mr. Steve Clark:** Can I just ask a question?

**The Chair (Mr. Garfield Dunlop):** Yes, Steve.

**Mr. Steve Clark:** I know that when I spoke to a number of federal MPs and showed them some of our order paper responses, they were a bit shocked, because the whole premise that I thought on order paper questions was, it's too long and too detailed to ask in question period; that's why you file it.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's right.

**Mr. Steve Clark:** What's happening now is that they're so short compared to some of the order paper questions and responses that I see from the federal government, which are very detailed and really in the spirit of an order paper question. So is that why you've added "45 days"? Whose item was 45 days?

**The Clerk of the Assembly (Ms. Deborah Deller):** That wasn't us.

**Mr. Steve Clark:** Is that another jurisdiction that does it that way?

**Mr. Bas Balkissoon:** No, no. The written response time now, I think, is 30 days, and our request was that it needs to be expanded because it's taking up so much staff time to prepare.

**Mr. Steve Clark:** I can't believe that. The answers are nothing.

**Mr. Bas Balkissoon:** We're always late.

**Mr. Gilles Bisson:** Can I make a suggestion in regard to order paper questions? Give legislative research more ability to respond to members' needs, because that's where you get your information. Order paper questions are quite a different matter, and the reality is, you get a far better bang for your buck as a member by going through legislative research. I want on the record to applaud those people; they do an amazing job. We need to give them more ability to do their job.

**The Chair (Mr. Garfield Dunlop):** Bob?

**Mr. Bob Delaney:** Just for perspective, I believe it's 45 days in Ottawa.

**The Chair (Mr. Garfield Dunlop):** Okay.

Okay, folks, I think we've—

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just, first of all, say I am absolutely prepared to come as often as the committee would like? For my part, I have really enjoyed the two meetings that we've had.

**Mr. Gilles Bisson:** Aren't you getting tired of us?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm not. These are the kinds of discussions I wish occurred more often around this place, so I'm very happy to have been part of it. Thank you for giving me the opportunity to have the chat.

**The Chair (Mr. Garfield Dunlop):** Thank you, Deb.

**Ms. Lisa MacLeod:** Thank you very much, Clerk. Again, this is probably—if last week was my favourite committee meeting since I've been here, this was a very close second.

One question I do have, and I say this as someone that is on the parliamentary liaison working group—and I do recognize that there are two others here from the other two caucuses: At first I thought this job could be done in about four weeks. What I'm almost wondering is: In your opinion, given what we're undertaking, do we have enough time?

**The Clerk of the Assembly (Ms. Deborah Deller):** You've sort of set a deadline of August 31, I think, to sort of wrap up your deliberations. I think that's the amount of time that the House has given you as well. I think you can get a good chunk done by August, as long as you get down to some work. I really think you've made a really good start, and then with some information we give you.

You may not have time to finish it all, and you may decide on August 31 that you have some changes that you'd like to see but you'd like to continue discussing some others, and I don't think there's anything wrong with that.

One of the things I was going to say is: Please try not to rush this. These things can be critically important down the road. So even if you only get the private members' piece and maybe committees done, then I think you've gone a long way to improving—

**Mr. Gilles Bisson:** I agree with the Clerk, but here's the thing: When I suggested "more committees and less members," this is why, because you can create the expertise on a committee that allows you to look at this stuff in more detail over a longer period of time. Members have raised the use of technology in the House; those are all important things.

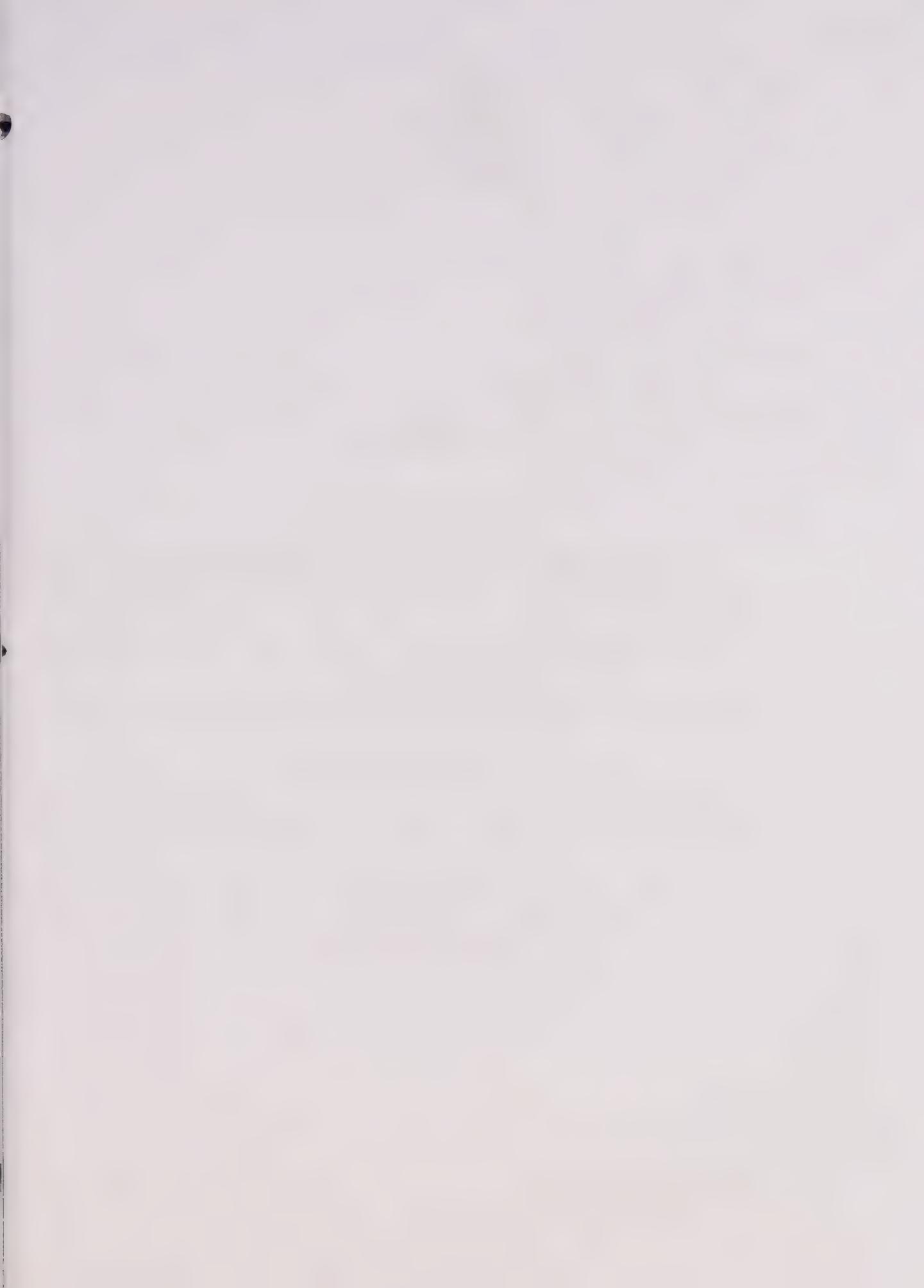
The bells are ringing. Thank you very much; we're going. Bye.

**The Chair (Mr. Garfield Dunlop):** Thanks very much, everyone. We'll adjourn until April 18.

We'll come back with a lot of research and we'll pick out some topics to start working on.

The meeting is adjourned.

*The committee adjourned at 1455.*



## **CONTENTS**

**Wednesday 4 April 2012**

Subcommittee report .....	M-41
Standing orders review .....	M-43
Office of the Clerk .....	M-43
Ms. Deborah Deller, Clerk of the Assembly	

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First Session, 40<sup>th</sup> Parliament

## Official Report of Debates (Hansard)

Wednesday 18 April 2012

Standing Committee on  
the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

## Journal des débats (Hansard)

Mercredi 18 avril 2012

Comité permanent de  
l'Assemblée législative

Examen du Règlement

Chair: Garfield Dunlop  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 18 April 2012

*The committee met at 1303 in room 228.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** So we'll call the meeting to order, everyone. I think it's important—I know we made kind of an executive decision that we'd start with a topic and it would be private members' public business, because it has taken a lot of time in our previous meetings. We have a lot of detail, a lot of chances—a really good, open discussion today to find out where we're going with it.

Is that a good way of putting it, Trevor?

**The Clerk of the Committee (Mr. Trevor Day):** Basically, we're going to turn it over to Larry. He, along with the team, has done a bunch of research. We've sent some of it; some of it you haven't seen already. We have provided each of you with a binder that we'd like you to, if possible, keep bringing back to committee. We've tabbed off some headings, so if you could—

**Mr. Steve Clark:** I was just going to say, that's a tall order.

**The Clerk of the Committee (Mr. Trevor Day):** We'll see what we can do. But if you put the information that we've handed out into the binder under "Private Members' Public Business," Larry is going to be going through it right now, and we'll see if we can get some discussion from that.

**The Chair (Mr. Garfield Dunlop):** How would you like to handle the questions, Larry? Do you want to go so long under a few—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Or do you want people to sort of put up their hand, and I'll break into the conversation?

**Mr. Larry Johnston:** Well, I think members should ask questions whenever they see fit. If we get bogged down, maybe we can set something aside for later to elaborate or whatever, but—

**The Chair (Mr. Garfield Dunlop):** So if you have a question, put your hand up and I'll tell him that we've got a question coming. Okay?

All right, Larry, she's all yours. You've got two hours.

**Mr. Steve Clark:** The Larry Johnston show.

**Mr. Larry Johnston:** I hope not to use two hours; that's for sure.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 18 avril 2012

Among the documents you have, one is called Study of the Standing Orders of the Legislative Assembly—oh, sorry. That's not what it's called. It's called A Review of Private Members' Public Business. I guess they're all called that on here. Okay. So it's called A Review of Private Members' Public Business. It's a 17-page document, including two appendices.

I'd like to take you through that, just walk you through it, because there's a lot of detailed information in there, and just to stress some of the themes that come back time and again.

I'm going to start on page 2, just to talk about the little background here, the concerns of Ontario members expressed in the past.

In the report of this committee in 2002—

*Interjection.*

**Mr. Larry Johnston:** Yes, that's right.

**The Chair (Mr. Garfield Dunlop):** All right? Okay, thank you. Has everybody got the right pages? Study of the Standing Orders, please find the document titled A Review of Private Members' Public Business.

**Mr. Gilles Bisson:** Is it inside this binder?

**The Chair (Mr. Garfield Dunlop):** No, it's outside. You've got to put it in yourself. These are all research papers we'll be dealing with.

**Mr. Larry Johnston:** In 2002, this committee, in a report on enhancing the role of the private member, identified three concerns with private members' public business. One was the lack of opportunities; second, the inability of more than one member to co-sponsor a private member's bill; and the lack of legislative progress upon referral of bills to committee after second reading.

The committee made three recommendations. There should be additional hours for consideration, that private members' public business should run from 8:30 a.m. to 12:30 p.m. on Thursdays. Secondly, up to three members, regardless of party, should be permitted to co-sponsor a bill or motion. And a bill supported by at least 75% of the House membership should be entitled to be fast-tracked for early consideration and voting on all post-second-reading stages.

I think these issues that were addressed 10 years ago are still with us today. What I've heard from the committee so far is that the timing of private members' public business continues to be a matter of concern, but this also depends on other issues that might affect the weekly calendar that the committee has yet to deal with. While

most members would likely support more opportunities for private members' public business, to do that without addressing some of the other concerns about the lack of progress of private members' bills might be premature. The ongoing concern members have most about private members' public business is that private members' bills are rarely considered in committee when referred after second reading. There's no procedural mechanism to promote further legislative progress.

If you go back to page 1, the very bottom paragraph, I've listed there the jurisdictions that have been considered for this study. I would note there that—

**Mr. Gilles Bisson:** Which page 1?

**Mr. Larry Johnston:** Page 1 of that document.

**Mr. Gilles Bisson:** There's a whole bunch of documents here.

**Ms. Lisa MacLeod:** You know what it is, guys? It's the big one there that says A Review of Private Members' Public Business. It's the bigger of the documents.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Thanks. Okay. All right, Larry.

**Mr. Larry Johnston:** Okay. I've tried to look at Commonwealth jurisdictions that the committee might be familiar with. I will note that particular attention is given in this paper to those jurisdictions in which the process appears to allow private members' bills to receive a timely resolution by means of the legislative process. Most promising in this regard are Alberta, Queensland, in Australia, New Zealand, and Scotland.

However, I would note at the start that the procedures in these jurisdictions often contain elements that suggest a different private members' culture than might be in effect here in Ontario.

**Ms. Lisa MacLeod:** How do you mean?

**Mr. Larry Johnston:** For example, and you'll see this later, in most of these places, there is a limit on how many private members' bills can be introduced by a member at any one point in time. In most, there is a limit on how many pieces of private members' legislation any individual member have in play at any point in time. In many of these jurisdictions, there is a vetting process that takes place at the outset.

I think I mention in the paragraph above, the second-last paragraph on page 1, that Parliaments which have a legislative process most likely to allow private members' bills the possibility of proceeding to the end of their legislative journey are also the Parliaments most likely to impose stronger conditions or limits at the beginning of the process.

**Mr. Bas Balkissoon:** Is the elected process of these Legislatures the same as ours, first past the post?

1310

**Mr. Larry Johnston:** No. It is in Alberta, of course, and New Zealand and Scotland have a mixed-member system, and Queensland has STVPR, proportional representation with a single transferable ballot.

**Mr. Bas Balkissoon:** So that would make a significant difference too.

**Mr. Larry Johnston:** Sorry. I think it's a single member STV at the lower House.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I hear what Mr. Balkissoon is saying, but I don't think the two things are related at all.

**Mr. Bas Balkissoon:** I'm just asking so that we—

**Mr. Gilles Bisson:** No, no, but I'm just putting on the record that I don't think so.

**Mr. Larry Johnston:** Queensland, I believe is STVPR.

It's worth noting that these jurisdictions are all unicameral Legislatures. Queensland is the only state, for example, in Australia that doesn't have an upper chamber, and New Zealand does not have an upper chamber.

On page 4, you'll find a table—

**Mr. Gilles Bisson:** I'm all for the Senate; you know me.

**Ms. Lisa MacLeod:** Unless you get appointed there.

**Mr. Gilles Bisson:** Exactly, unless I get appointed there. That's right.

**Mr. Larry Johnston:** On page 4, you'll see table 1, which provides a summary of information on private members' bills in the provincial assemblies in Canada. I would suggest what it indicates is that most provincial standing orders provide little in the way of specific provisions for the passage of private members' business. Those ones that are shaded in the table are those that do provide some measure of progress.

In most provinces, there's no limit on second reading debate that requires the question to be put. Private members' bills can be debated indefinitely. They can be debated and relegated to the bottom of the list of priorities etc. For that reason, I would like to focus on two provinces: Alberta and New Brunswick.

**Mr. Gilles Bisson:** Could I ask a question please?

**Mr. Larry Johnston:** Please do.

**Mr. Gilles Bisson:** On the top of your chart it says "Ballot for priority?"

**Mr. Larry Johnston:** Mm-hmm.

**Mr. Gilles Bisson:** How do you figure Ontario prioritizes ballots? It's by a draw.

**Mr. Larry Johnston:** Well, you could put the word "draw" instead.

**Mr. Gilles Bisson:** That's what you're getting at. Okay, gotcha. Thank you.

**Mr. Larry Johnston:** The sequence of private members' bills in Alberta is determined by a random draw of the names of members who submit a written notice to parliamentary counsel, and a public member's bill in Alberta is submitted to the Speaker and parliamentary counsel prior to placing notice of the bill on the order paper. The Speaker decides if the bill, once enacted, would infringe on the prerogative of the crown and whether the bill is a matter that should be dealt with as a private bill. I just raise this because this theme of prior vetting of bills is something that comes up in the other processes as well. The bill may be ruled out of order on either count prior to being given second reading.

After first reading, the sponsor of a private member's bill may move to refer the bill to a policy field committee, and that committee will conduct public hearings and report its observations back to the House.

In Alberta, a member of the executive council may move to have a private member's bill that's been given first reading entered under government bills and orders on the order paper.

**Ms. Lisa MacLeod:** Really?

**Mr. Larry Johnston:** Now, whether that enhances or detracts the chance of a bill's passage, I don't know, and that's something we would need to talk about to people in Alberta to find out how that works.

**Mr. Bas Balkissoon:** Can we do that, at least ask them how many went that route and what's the success rate?

**Mr. Larry Johnston:** Yes, we can.

**Ms. Lisa MacLeod:** In addition to that—I think that's very interesting—can we also find—"After first reading, the sponsor of a PMB may move to refer the bill to a policy field...." Can you tell us the amount of success they've actually got with the committee actually dealing with that bill?

**Mr. Larry Johnston:** Well, I believe the committee has to report the bill.

**Ms. Lisa MacLeod:** Okay.

**Mr. Larry Johnston:** It's not clear here. I can check—

**Ms. Lisa MacLeod:** At first reading or after second reading?

**Mr. Larry Johnston:** This is after first reading. This is deferral to committee after first reading.

**Ms. Lisa MacLeod:** Right.

**Mr. Larry Johnston:** I would imagine that it's done primarily to lend support to the bill so that the committee comes back saying, "We think this is a good bill." The member is probably not likely to recommend it to committee if he thinks it's going to die in the committee.

**Ms. Lisa MacLeod:** Okay.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** So if it goes to committee after first reading, I assume that it's advertised somehow, and then people that may have some interest in it make a presentation. That would be done at that stage. Presumably, the bill then, perhaps based on presentations made with regards to the content, would get amended and would go back to the House of the assembly in Alberta. Is that right?

**Mr. Larry Johnston:** I don't believe there are any amendments at that stage, but the committee may hold public hearings and then report its observations and recommendations to the assembly.

**Mr. Jeff Leal:** But if you're looking at that, you could change it to provide that as an opportunity—

**Mr. Larry Johnston:** You could.

**Mr. Jeff Leal:** —for amendments, to have, perhaps, a finished bill then ultimately coming back to the House based on, perhaps, a consensus of opinion from the committee members.

**Mr. Larry Johnston:** I should point out that in Alberta, as in many of these jurisdictions, consideration of the bill after second reading usually goes to Committee of the Whole House. So the committee, after first reading, like a policy field committee or a select committee, is an opportunity for the bill to be considered in a public forum, and to invite stakeholders in a way that we might do after second reading here wouldn't be done if we were going to Committee of the Whole House.

**Ms. Lisa MacLeod:** This is something that I had recommended, actually, with the two anti-bullying legislation. We had talked about the parliamentary liaison working group. So this is quite familiar, Mr. Leal, I think, from some of the discussions that we had talked about. I think this is a very attractive opportunity.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** You were so quick, Chair. A couple of questions.

**Mr. Bas Balkissoon:** That's the first time he's stumbled for words.

**Mr. Gilles Bisson:** Yeah, well, it's because I was eating my lunch. Can't have my lunch and eat it too, as they say.

Parliamentary council—is that a group of members? Is that a group of—do you have clerks? What is that?

**Mr. Larry Johnston:** I would imagine it's a legal counsel employed by the Assembly—

**Mr. Gilles Bisson:** So it's "counsel." Okay.

And the second question, just so I make sure I understand the interpretation as per Mr. Leal: Once they say, "Yes, this bill is in order," it goes to a committee before it goes to second reading? Is that correct?

**Mrs. Laura Albanese:** Right.

**Ms. Lisa MacLeod:** Yes.

**Mr. Larry Johnston:** Once they say it's in order, it's introduced and given first reading. And once it receives first reading, it goes to the committee.

**Mr. Gilles Bisson:** Committee, and then you come back for second reading?

**Mr. Larry Johnston:** Come back for second reading.

**Mr. Gilles Bisson:** Then you have a second reading debate, then it goes to COWH.

**Mr. Larry Johnston:** Yes. And then that's the next point. A private member's bill retains its place on the order paper until it has received two hours of debate on second reading, and if it passes second reading in that committee, two hours of debate in Committee of the Whole, and if it is reported back to the House, one hour of debate for third reading. So all of the stages, once it comes back from that initial committee—and it's not a given that it goes to an initial committee, but once it comes back, the remaining stages are timetabled. They take place in private members' time and that bill remains at the top of the order paper until those stages have been finished.

**Mr. Gilles Bisson:** Who decides what's the prioritization of the bill going into committee? Is that members or is that the government?

**Mr. Larry Johnston:** I believe they're considered in the order that is determined by the random draw that's held at the beginning, and then—

**Mr. Gilles Bisson:** All right. So—

**Ms. Lisa MacLeod:** So even at committee it will be determined that way?

**Mr. Larry Johnston:** It's first in, first out, sort of, so—

**Mr. Gilles Bisson:** So counsel says it's a bill that's appropriate; then there's a draw?

**Mr. Larry Johnston:** Yes.

**Mr. Gilles Bisson:** Lisa MacLeod is number one—

**Ms. Lisa MacLeod:** I've always thought that.

**Mr. Gilles Bisson:** —we start with Lisa MacLeod's bill. And then who calls it into second? Is it just an automatic?

**Mr. Larry Johnston:** Well, if the first reading motion calls for it to go to a policy committee and it's approved, then it goes to the policy committee automatically. If the motion does not call for it to go to committee, presumably after first reading it is then ordered for second reading.

**Mr. Gilles Bisson:** But my point is, is it the government that says, "Okay, I'm calling this for first reading"?

**Mr. Larry Johnston:** No. At that point, it is still at the top of the order for private members' bills, and the next time the Parliament meets to consider private members' business, it will be called. And in most cases, there is a rule that says private members' bills are considered ahead of other private members' business, such as resolutions.

**Mr. Gilles Bisson:** So the government is not in control—so in answer to my question, the government is not in control of when the bill gets called for first, second, COWH or third?

**Mr. Larry Johnston:** That is true.

**Mr. Gilles Bisson:** Okay, I got it.

**Mr. Larry Johnston:** It is possible—and plus, in addition to that, there are two other requirements. One is that the private member's bill that receives second reading must be called in the Committee of the Whole within eight sitting days. And a bill that is reported from the committee must be moved for third reading within four sitting days by the member who's in charge of the bill. Now, it is possible for the House to amend that, which the House can always do with procedural motions etc. But by default, this is the process set out to take a bill from beginning to end, unless it's defeated at any of the stages at which it may defeated.

Now, the other—

**Mr. Gilles Bisson:** Does it preclude co-sponsoring of bills?

1320

**Mr. Larry Johnston:** I don't see any indication of co-sponsoring, but I don't know.

**Mr. Gilles Bisson:** Lisa and I are going to make that an amendment.

**Ms. Lisa MacLeod:** We're the only two non-fans of that.

**Mr. Larry Johnston:** I would suggest that the challenge for private members' bills in Alberta is not the process but the amount of time, because they meet for one hour per week and they meet 21 weeks a year. So that's 21 hours for private members' public business time, and you can see that any particular bill may take up five or six hours of that, assuming that everything goes well.

**Mr. Bas Balkissoon:** Can you explain the bottom line on that chart?

**Mr. Larry Johnston:** Yes, the bottom—

**Mr. Bas Balkissoon:** Because it seems as though they passed 23 bills and Ontario did 24. What was the time frame you were looking at? Ten years?

**Mr. Larry Johnston:** These are in the last 10 years to the degree that I can find progress of bills on the assembly's site.

**Mr. Bas Balkissoon:** So, really, their process didn't enhance it to the point that there's more legislation being—

**Mr. Larry Johnston:** Well, there are two qualifications that I would put. One is that they did that in much less time. Okay?

*Interjection.*

**Mr. Larry Johnston:** Yes, 21 hours, basically, a session, whereas we have two and a half hours a week for however many weeks. And they introduce far fewer private members' bills—that is true of any province in the country—introduce far fewer private members' bills than Ontario. So it's always going to be a higher percentage that's going through.

*Interjections.*

**Mr. Bas Balkissoon:** Probably because of the vetting—

**Mr. Larry Johnston:** In part, there's vetting, and in part, because there's a limited amount of time. In some cases—and I'm not sure if this is true in Canada but it is in other places—private members' bills can only be introduced during private members' business time. They cannot be introduced in the normal introduction of bills. That's not the case here, but—

**The Chair (Mr. Garfield Dunlop):** Jonah.

**Mr. Jonah Schein:** You probably said this and I missed it, but are we the only province in Canada that does not vet private members' bills?

**Mr. Larry Johnston:** No. Actually, Alberta seems to be the only one that does, plus the Parliament of Canada.

**Mr. Jonah Schein:** Sorry. Explain again why we introduce more private members' bills than anywhere else?

**Mr. Larry Johnston:** There are a number of possible explanations, and I, beyond my—

*Interjection.*

**Mr. Gilles Bisson:** I didn't hear the question.

**Mr. Jonah Schein:** I asked why we introduce more private members' bills than any other province.

*Interjections.*

**Mr. Larry Johnston:** The Parliament of Canada and the Ontario Legislative Assembly seem to be the leaders in terms of introducing private members' legislation.

**The Chair (Mr. Garfield Dunlop):** Okay. I think it's Bas first—

**Mr. Gilles Bisson:** Yeah, that's fine.

**The Chair (Mr. Garfield Dunlop):** Bas?

**Mr. Bas Balkissoon:** If I go to the Alberta model package, on page 3, you have the statement here, "The Speaker has encouraged" the House "to revisit this rule." So I'm assuming that there must be some problems. Is there any way we could at least get a summary from the Speaker's office and maybe—

**Mr. Larry Johnston:** I can address that.

**Mr. Bas Balkissoon:** —the Clerk's office there as to what is the latest status and what is their experience with this rule?

**Mr. Larry Johnston:** This rule in particular that's discussed in the Alberta document—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** What document are we on now? Sorry, guys.

**Mr. Steve Clark:** Bas—he's in the Alberta document.

**The Clerk of the Committee (Mr. Trevor Day):** Just so you know, not all these documents were prepared by Larry. So you've got to give him a minute to sort of acclimatize when you switch documents.

**Mr. Bas Balkissoon:** No, no—well, that's what I'm saying. Because of that one statement, I just want to make sure we—

**Mr. Larry Johnston:** The Alberta document makes reference to a motion that allows a member to request that their bill be considered before its due date. In other words, it's not part of the process that I've described to you. It's another part of it, and I'm not going to bog you down with all of the details and all of the processes. But it says, "When a member requests that his or her bill be considered before its due date, the bill will be called after debate is concluded on the private member's public bill that is then before the House or Committee of the Whole, assuming no other bills have reached their due dates."

As I've said before, because a bill retains its place in the order until it's finally disposed of, another member might be impatient or have an urgent reason for getting their bill—

**Mr. Bas Balkissoon:** To the front of the line.

**Mr. Larry Johnston:** —to the front of the line, and this standing order would allow them to make such a motion. That is the rule that the Speaker has asked the House to reconsider.

**The Chair (Mr. Garfield Dunlop):** Gilles, you had a question?

**Mr. Gilles Bisson:** Yes, it was more a comment. The answer to the question: "Why do we have more bills passed than other jurisdictions?" It's because our bills are pretty weak. The ones that make it through the private members' process are either co-sponsored or it's about motherhood and apple pie. We're not a Legislature that tends to pass bills of any kind of substance through the private members' process.

However, that being said, members have introduced substantive private members' bills that have been

adopted by the government in another bill. So I wouldn't hang my hat on the argument of, "Twenty-four? My God, we ought to be doing it better." If you look at the list of the bills, they're not very substantive.

**Mr. Larry Johnston:** There is another possible explanation, too, and I should raise that.

**Mr. Gilles Bisson:** Maybe we're just all crazy.

**Mr. Larry Johnston:** No. If you look at the—six of the 10 legislatures in Canada have less than 60 members, which means that once you factor the cabinet, the parliamentary secretaries and the principal opposition critics, there are not so many backbenchers around to introduce bills, and for that reason there may not be the same culture of members introducing bills.

I'll give you a case in point. Australia, as a national Legislature, has 150 members. That's pretty small for a national Legislature, and they've only passed 20 private members' bills since 1901. So there seems to be some correlation there.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** I just want to pick up on a point Gilles made. I think it's important to look at those bills that were passed in Alberta versus the ones that were passed in Ontario, because I think that would be an interesting comparison about how substantive the Alberta bills were versus some of the more—I would call them more proclamation-type bills that we have passed over the last couple of years. So I'd love to be able to see the comparison.

**The Chair (Mr. Garfield Dunlop):** Lisa, you have a question?

**Ms. Lisa MacLeod:** Just to further that point, I think we're actually almost comparing apples to oranges, because of (a) the political culture, (b) the type of legislation that we decide to put forward, and then I think (c) is also a bit of a process issue here. So I too would be interested in seeing what type of legislation has been passed there. Is it far more substantive?

I view this Alberta model—it's quite intriguing, actually, because I think it provides an area of study that we have not done here with private members' bills. In fact, it might be the other way to get around the co-sponsoring of bills if members in committee can actually work through a piece of legislation together and it's something that they believe in and they're able to contribute, I think, at a far more substantive level than what we do with many of these co-sponsored bills here in our chamber.

Many of the bills that we're co-sponsoring here are not detailed and in-depth policy statements, so to speak. They're, as Steve just said, proclamations, things that many of us agree with. If not the entire 100% of us, it's something that certainly a majority of us feel should be proclaimed.

So my view is that we need to take a look at what they're turning out and then get back to this committee, because I think this is a pretty attractive model. But I think it's far too early to say if it's something that we should adopt.

**The Chair (Mr. Garfield Dunlop):** Laura?

**Mrs. Laura Albanese:** Just to follow Lisa's comments, you were mentioning, Larry, at the beginning that—I think it was the last study in 2002 that was done here. One of the concerns was that private members' bills were not being co-sponsored.

**Mr. Larry Johnston:** Right.

**Mrs. Laura Albanese:** I just want to make sure that I got this right. We have made some progress. We are co-sponsoring bills, but the nature of them in the first few years that we've co-sponsored has been sort of the pro-claiming type. Is that correct?

**Mr. Larry Johnston:** Yes.

**Mr. Gilles Bisson:** Or pretty weak bills.

**Mrs. Laura Albanese:** Or weak bills.

**Mr. Larry Johnston:** In the 2002 report—

**Mrs. Laura Albanese:** But it's the first time that we're doing it. I think it's sort of the infancy of the co-sponsored bills; right? Is that where we are or is there a history?

**Mr. Gilles Bisson:** It used to be, prior to all of this, what you would have is horse trading with House leaders. Before we did all of this, people would introduce their private members' bills and we'd debate them at second reading. Then, at the end of the session, it was, "Okay, the Liberals are the government. You're going to get to pick three, the Tories are going to get to pick two and we're going to get to pick one, but we all have to be in agreement on what your three, your two and your one is." So it tended to bring more substantive bills forward into committee.

**Mrs. Laura Albanese:** Okay.

**Mr. Gilles Bisson:** But then that all blew up because of craziness at House leaders' meetings and certain House leaders, which I'm not going to mention.

**Mrs. Laura Albanese:** But there's no history way back where bills used to be co-sponsored and used to be substantive in Ontario? Am I correct?

**Mr. Larry Johnston:** As far as I know, it's early days. It's only been since 2008 that co-sponsorship has been in place.

In 2002, the committee said that allowing members to co-sponsor bills would foster co-operation among members, give private members' business more credibility and generally enhance the role of the private member. Whether that is the case is for members to judge.

1330

**The Chair (Mr. Garfield Dunlop):** Okay, Larry, go ahead on that Alberta model.

**Mr. Larry Johnston:** I just want to move on from Alberta for now, but one point I did forget to say is that you may like the way Alberta looks on paper. We don't know how Alberta works in—I can't claim to know how Alberta works in practice—

**Mr. Bas Balkissoon:** That's what I wanted to make sure we get—

**Mr. Larry Johnston:** —so the committee, if it is really interested in Alberta, needs to have more information on the ground in terms of how it—

**Mr. Bas Balkissoon:** One other issue, Chair: I wouldn't mind if—

**The Chair (Mr. Garfield Dunlop):** Is this back to Alberta now?

**Mr. Bas Balkissoon:** Yes.

**The Chair (Mr. Garfield Dunlop):** Because he's dealing with Alberta now.

**Mr. Bas Balkissoon:** Larry mentioned the vetting process really quickly, and I'm not sure I caught exactly how it works. It's the only province with a vetting process, so can you tell us slowly so I understand?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Gilles Bisson:** I appreciate that the Clerk is here, and if we can invite her to the table if she wants to participate, I would be happy.

**The Chair (Mr. Garfield Dunlop):** She's more than welcome to come in here if she wishes.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm just in here to listen, actually. I have a few minutes between meetings. I'm happy to sit here for a few minutes. I do have to be out of here by 2, though. But as long as I'm just listening.

**The Chair (Mr. Garfield Dunlop):** Okay. Larry.

**Mr. Bas Balkissoon:** I just needed you to detail the vetting process so I understand it.

**Mr. Larry Johnston:** According to the standing orders, before the notice of a bill is placed on the order paper, the bill is submitted to the Speaker and it is perused by the Speaker and parliamentary counsel to determine two things. One is whether the bill infringes on the prerogative of the crown, and the other is whether the bill is a matter that should be dealt with in a private bill as opposed to a private members' public bill. It's a very shallow vetting, if you like. It's procedural. It's not really with respect to, "Is this a good bill? Is this a substantive bill?" It's, "Does the bill satisfy certain parliamentary conventions?"

**Mr. Bas Balkissoon:** Okay, if I go back to the Alberta pages that we got from the Clerk's office, the paragraph on page 2 that talks about a bill or motion cannot authorize spending of public money etc.: The Speaker does not rule on that, *per se*?

**Mr. Larry Johnston:** If a bill does, yes, because that's—

**Mr. Bas Balkissoon:** He will?

**Mr. Larry Johnston:** The reason a bill does not authorize spending is that's a prerogative of the crown.

**Mr. Bas Balkissoon:** Okay, so the Speaker will rule on that, and there'll be some guidelines for him to work with—him or her. Okay, I just wanted to verify that. Thanks.

**The Chair (Mr. Garfield Dunlop):** Okay, Larry, your next section?

**Mr. Larry Johnston:** I wanted to just speak briefly about New Brunswick in that it has a wrinkle that doesn't show up elsewhere in Canada. That's that government members' private bills are carried on the order paper under government bills and orders.

**The Chair (Mr. Garfield Dunlop):** Same page, page 5?

**Mr. Larry Johnston:** I'm on page 5. That means that they have to be called for debate by the government House leader. The opposition members' private members' bills are taken up Tuesdays in the order that they're presented to the House in private members' public business time. That is subject to a rotation of seven items from the official opposition to one item from the third party. That order can be changed on a motion. I would suggest that that suggests that party leaders probably have a role to play in the ordering of private members' public business in terms of the priority.

All private members' bills that are called in New Brunswick receive up to two hours of second reading debate that concludes with a vote. A private member's bill receiving second reading is referred to the Committee of the Whole House. It is up to the government House leader whether or not—or when—that bill is called for consideration in the Committee of the Whole House. If that bill is reported from committee, a government member's bill again stands ordered at the government House leader's discretion. An opposition member's bill that's reported from committee is ordered for third reading and can be called during private members' public business time according to the same rules about the rotation—

**Mr. Gilles Bisson:** Can or can't?

**Mr. Larry Johnston:** Can. So the key in that process is getting out of the Committee of the Whole House.

**Mr. Gilles Bisson:** I have just a quick question. Except for those rare occasions where there's been no opposition—

*Interjection.*

**Mr. Gilles Bisson:** No, that's Nova—yeah, New Brunswick. Most government sides of the House have very few backbenchers who are not PAs in government; right?

**Mr. Larry Johnston:** I can't speak to the size; cabinets are usually smaller in smaller Legislatures as well and ministers double up on portfolios, so I'm not sure—

**Mr. Gilles Bisson:** Okay. If you can give us some information, that would be interesting.

**Mr. Larry Johnston:** I also thought it would be logical to proceed from the Canadian provinces to the Australia state Legislatures next and—

**The Chair (Mr. Garfield Dunlop):** Okay. You're not getting to Canada yet?

**Mr. Larry Johnston:** I was going to do the National Assemblies together because there are some features that are in common there.

**The Chair (Mr. Garfield Dunlop):** All right.

**Mr. Larry Johnston:** Generally speaking, the standing orders of Australia's state Legislatures don't prescribe a separate legislative process for private members' bills. The two exceptions that I found are the rules for the Legislative Assembly of New South Wales and the Parliament of Queensland.

In New South Wales, there's two points I'd draw to the committee's attention. First, in New South Wales, private members' bills can only be introduced and considered on the day for considering general business and at the time reserved for that purpose, which means one day a week, Thursdays between 10 a.m. and 11:30 a.m.

The first half-hour is reserved for the mover of a private member's bill and his or her agreement in the principal speech. The remaining hour is occupied with consideration of bills that have already been introduced. Any item that is interrupted at 11:30 is set down as an order of the day for the next general business day.

The second point is that in New South Wales, after a bill has been agreed to in principle, any member may move that the bill be referred to a legislation committee for consideration and report. The legislation committee is the special committee struck to consider that bill. So they're not referred to a standing committee or an existing select committee, and this requirement of the legislation committee is true for all public bills—private members' bills, government bills.

The committee is comprised of an equal number of government and non-government members, and it must table its final report no later than six months from the date of the committee's establishment. At that point, there are no further specific provisions for private members' bills in New South Wales.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** So referred not to a standing committee but to what the old committee stuff was at the very beginning, back in the days. It's a committee that's struck only to look at that one bill and then when it's done, it's done.

**Mr. Larry Johnston:** Same as it is in Ottawa.

**Mr. Gilles Bisson:** Oh, okay. That's interesting.

Is that what they do in Ottawa?

**Mr. Larry Johnston:** Yeah.

**Mr. Gilles Bisson:** Oh, I didn't know that.

**Mr. Larry Johnston:** Yes. Standing committees in Ottawa don't have a legislative function. They have on oversight or a—

*Interjection.*

**Mr. Gilles Bisson:** So all private members' bills go to a special committee just for that bill?

**Mr. Larry Johnston:** Presumably, yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** Not just private members' bills.

**Mr. Larry Johnston:** All bills.

**The Clerk of the Assembly (Ms. Deborah Deller):** Bills go to a specific committee, a legislative—

**Mr. Gilles Bisson:** Oh, to a specific—no, no. What I was getting—

**The Clerk of the Assembly (Ms. Deborah Deller):** No, no. I mean a legislation committee that is set up specifically to consider that particular bill.

**Mr. Larry Johnston:** There's a striking committee that determines the membership of each committee, as necessary.

**Mr. Gilles Bisson:** I didn't know that. I'll say it like my grandson: "I didn't know that."

**Mr. Larry Johnston:** I'll turn to Queensland then.

The reason that Queensland is interesting, first of all, is that unlike the other Australian state Legislatures, it only has one House. Its standing orders provide, again, as in New South Wales, that a member introduces the bill during the time for private members' statements, and this time is set by a sessional order; in the last Parliament—Queensland is currently facing an election—it was Thursdays between 2:30 and 4. So very similar to New South Wales, an hour and a half a week. That's the only time private members' legislation can be introduced.

The introduction of a bill in Queensland involves reading the long title, tabling a copy and delivering an explanatory speech of up to one hour. After the introduction and the explanatory speech, the member moves first reading of the bill and the question is put without debate or amendment.

If the question for first reading succeeds, the bill stands referred to the portfolio committee or any other committee nominated by the member. The committee, of course, examines the bill, decides whether to recommend its passage, whether amendments should be recommended, and if the bill is in compliance with the Legislative Standards Act of Queensland. The examination of the bill is to include stakeholder engagement, departmental briefings and prompt publication of submissions and expert or technical advice received by the committee. Now, these provisions apply to all public bills in Queensland.

**1340**

The committee must report to the House on a bill within six months of the bill's referral, same as in New South Wales, or at any other time fixed by the House or the Committee of the Legislative Assembly. Following the tabling of the committee report on the bill, the bill is set down for second reading stage. Second reading of a private member's bill will be brought in on the sitting Wednesday evening next following the passage of three calendar months after the tabling of the committee's report on the bill. So just to go back: after first reading, to committee, which must report within six months, and then the bill cannot be debated for at least three months after it has been reported to the House.

Once it is scheduled for debate in second reading, it will be continued to be debated every Wednesday evening until its final disposition has been determined. It's a long process to get to second reading, and then once you make it there, the process continues until the bill is passed or defeated. Like Alberta, but different.

Table 2 on page 8 provides an overview of private members' provisions for selected national Parliaments and the Scottish Parliament, which, of course, sees itself as a national Parliament as well. Again, there are jurisdictions that are conducive to providing a timely resolution of private members' bills and those which are not. I'm going to comment just briefly on Australia, Canada and the United Kingdom—the House of Commons in the

latter two cases—because there's not a lot of support for the existing private members' public business process in any of these jurisdictions. These three jurisdictions are also bicameral; in other words, there's an upper House, which is another set of hurdles that any private member's bill must face.

I would suggest that the main barrier to the passage of private members' bills in Australia's House of Representatives seems to be a lack of time to complete its legislative stages and perhaps unwillingness by the Selection Committee to streamline the process. Australia has something called a Selection Committee, which is composed of the Speaker, the government whip, the official opposition whip, the third party whip, three government members, two opposition members and two non-aligned members.

**Ms. Lisa MacLeod:** Would that be independents? Or is it just—

**Mr. Larry Johnston:** I assume it's independents, but again, in Australia, there's a traditional divide between Labor and the Coalition, which is the National and Liberal Parties. If a party is not aligned with either of those groups—there are a number of small parties. I'm not sure about the definition of non-aligned, but we could determine that.

This committee is responsible for determining the order of private members' business. The committee may determine the order of the consideration of matters, the time allotted for debate on each item and for each member speaking. So there is flexibility there to design the process, to fast-track the process, to do whatever the Selection Committee wishes to do with the process, but as I've indicated before, very few private members' bills pass in Australia. There doesn't appear to be a strong culture for passing private members' public bills.

**Mr. Jeff Leal:** Slow process.

**Mr. Bas Balkissoon:** That's probably because of the upper House, too.

**Mr. Larry Johnston:** That is an element. In fact, more bills have originated in the upper House than in the lower House, of those that have passed.

The Canadian House of Commons: Again, I would just like to talk about basically three things. One again is, we have a vetting process at the beginning. We have a random draw of members' names on a ballot to establish a list for the consideration of private members' business, and the first 30 names on that list constitute an order of precedence for private members' business.

Before that business is conducted in the House, a subcommittee of the Standing Committee on Procedure and House Affairs must designate items on that order of precedence as non-votable or votable. This is important because a non-votable item is debated for one hour in private members' time and then dropped from the order paper.

**Mr. Bas Balkissoon:** What does that accomplish?

**Mr. Gilles Bisson:** At least you have them in discussion, right? We're raising the issue.

**Mr. Larry Johnston:** Now, the briefing document that you've got from the Clerk's office on the House of Commons has a footnote which describes the criteria that are applied by that committee in determining whether a bill is non-votable. They are all items which are fairly self-evident. The bill's not—

**Mr. Gilles Bisson:** Can you go through it quickly?

**Mr. Larry Johnston:** Can I go through it? Yes, I can, once I find it.

**The Chair (Mr. Garfield Dunlop):** So you're going through the Canadian House of Commons section now?

**Mr. Larry Johnston:** Yes.

**The Chair (Mr. Garfield Dunlop):** Okay. Everybody got that group of pages?

**Mr. Larry Johnston:** I'm just looking at the bottom of the first page on the House of Commons document.

"An item will be designated as non-votable if it (a) concerns a matter that is outside federal jurisdiction, (b) clearly violates the Constitution (including the Charter of Rights and Freedoms), (c) deals with a matter that is substantially the same as a matter that has already been voted on by the House earlier in the session, or as a preceding item on the order of precedence, (d) anticipates government business already on the order paper or notice paper, or (e) is similar to a preceding item on the order of precedence."

**Mr. Gilles Bisson:** What's considered votable and non-votable?

**Mr. Larry Johnston:** Sorry?

**Mr. Gilles Bisson:** What makes it votable or non-votable?

**Mr. Larry Johnston:** These criteria.

**Mr. Gilles Bisson:** Those are the criteria? Okay, gotcha.

**Mr. Larry Johnston:** Yes.

**Mr. Gilles Bisson:** I thought that was just to get on. Okay.

**Mr. Larry Johnston:** Now, a votable item is entitled to two hours of debate, with the question being put at the end of the second hour. However, an item is debated for one hour, and if not disposed of in that time is dropped to the bottom of the order of precedence. It will not be debated for a second hour until it reaches the top of that order of precedence again. For a private member's bill, this is true of each stage that's debated in private members' time. It is also possible in certain circumstances for any member to extend debate at report or third reading stage for another five hours.

The application of a votable/non-votable designation to items by the subcommittee and the number of times an item must work its way back to the top of the order of precedence have both been, understandably, unpopular with federal private members.

**Mr. Gilles Bisson:** Could you say that again? I didn't hear you.

**Mr. Larry Johnston:** Okay. The application of the votable/non-votable distinction and the number of times an item must work its way back up to the top of the order

of precedence in order to proceed have both been unpopular with federal private members.

**Mr. Gilles Bisson:** Gotcha, gotcha, gotcha.

**Mr. Larry Johnston:** However, I do think it is worth considering not the distinction of votable or non-votable, but other possible distinctions that might be made by a committee when private members' bills are introduced. I'll leave that to your imagination.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** Just so I'm clear with this, because I've skipped over on page 2 where it talks about seconders and 20 members, that replaces our convention where we have co-sponsoring?

**Mr. Larry Johnston:** Yeah. It's just names of people—

**Mr. Steve Clark:** You could have up to 20 people that would second your motion on the order paper. They could be from any party, and that's how they would deal with that.

**Mr. Larry Johnston:** We don't have seconders here any more.

**Mr. Gilles Bisson:** We only have firsts.

**Ms. Lisa MacLeod:** When did that change by not having seconders?

**Mr. Larry Johnston:** The Clerk will know better than me, and it's been a while.

**The Chair (Mr. Garfield Dunlop):** Have you got a memory on this?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'd have to check to give you a definitive answer. It's been quite some time.

**Ms. Lisa MacLeod:** Okay. As in, like, 20 years or even longer?

**Mr. Larry Johnston:** Probably longer.

**The Clerk of the Assembly (Ms. Deborah Deller):** Longer than 20 years.

**Ms. Lisa MacLeod:** Is that right? And have the rules and procedures in place for private members' public business in the House of Commons changed dramatically in that same period, or have they always traditionally had this seconding opportunity?

1350

**Mr. Larry Johnston:** They're basically in the format that was adopted after the McGrath report—

**Ms. Lisa MacLeod:** Okay.

**Mr. Larry Johnston:** Minor changes.

**Ms. Lisa MacLeod:** Yeah. Okay.

**Mr. Larry Johnston:** Just to give you an example of what I was talking about, you've talked before about worrying about bills that are substantial versus bills that are insubstantial or bills that are perhaps more of a formality. It might be that instead of voting items to be non-votable or votable, a committee might determine that some items declaring a certain day or a week or a month to commemorate something needn't go to committee or could be fast-tracked.

The vetting committee could determine which bills needed to be fast-tracked because, again, to go back to the previous report, the committee recommended that

bills should be fast-tracked, but left the details to be determined later.

**Mr. Steve Clark:** That was that 75% recommendation that they had.

**Mr. Larry Johnston:** Yes, 75%.

**Mr. Steve Clark:** Okay.

**Mr. Larry Johnston:** The other role for such a committee might be to program private members' bills as they are programmed, say, in Scotland, where, once a bill has been introduced and seen to be a valid bill, the role of the Parliamentary Bureau in Scotland is to determine the stages of that bill from beginning to end with a timetable. Now that timetable can be changed on motions etc., depending on how that progress goes, but at the outset, particular dates are set for when the three stages of a bill are to be completed.

**Mr. Gilles Bisson:** And the Parliamentary Bureau is made up of the clerks or members—

**Mr. Larry Johnston:** The Parliamentary Bureau is made up of the presiding officer or the Speaker and one member from each party that has at least five members in the Parliament, and one member from any group from parties that don't have five members, and independents who align themselves in a group of five or more.

**The Chair (Mr. Garfield Dunlop):** As you go through this, is there something in the Canadian Parliament that jumps out at you that could be something pretty positive to move towards or—

**Mr. Larry Johnston:** Well, it's not for me to recommend to members what's positive or negative, just—

**Mr. Bas Balkissoon:** It depends on what it is we're looking for.

**Mr. Larry Johnston:** It depends what the members are—

**The Chair (Mr. Garfield Dunlop):** Something that I could find that your office would find—

**Mr. Larry Johnston:** I mentioned the examples that I did now just because the previous report—and members had expressed an interest in fast-tracking private members' bills, but said the details of such a process would need to be worked out and considered at a later date. So I was just trying to throw out some ideas for what you might want to consider in that regard.

**The Chair (Mr. Garfield Dunlop):** Okay. Do you have another question, Gilles? Are you okay?

**Mr. Gilles Bisson:** No, no, I'm fine.

**The Chair (Mr. Garfield Dunlop):** Okay. You can carry on then, Larry. Thanks.

**Mr. Larry Johnston:** Now, just to turn briefly to the House of Commons at Westminster, as this committee has heard previously, years ago, there are three ways in which private members' bills are introduced in the House of Commons: a ballot procedure, a so-called 10-minute rule, and by ordinary presentation.

Trevor, is the Hansard committee report in their binder?

**The Clerk of the Committee (Mr. Trevor Day):** The second one you sent me?

**Mr. Larry Johnston:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** Yes, it is.

**Mr. Larry Johnston:** You have a report from the Hansard Society on reforming the private members' bills process. It has some statistics in there on the passage of private members' bills in the United Kingdom, and of the 43 successful bills since 2000 that originated in the House—another five originated in the Lords—the ballot procedure accounts for 39 of them. Okay?

**Mr. Steve Clark:** Okay, 39.

**Mr. Larry Johnston:** All right; 39 of 43. I'm not going to talk about the 10-minute rule or ordinary presentation, but just note that the ballot procedure means at the outset of each session 20 names are drawn to establish an order of precedence. The House then sits on 13 Fridays to consider private members' bills, for five hours each Friday. So that's 65 hours in total for private members' bills. The first seven Fridays are reserved for second reading debate and the last six for post-second-reading stages.

However, without a programming motion, as the Hansard Society has noted, it is possible for one or two members to talk out a bill on a Friday and ensure that debate is not reached on bills lower down.

**The Chair (Mr. Garfield Dunlop):** Lisa?

**Ms. Lisa MacLeod:** I'm just wondering what the political culture is there? Do they sit on Fridays and engage in normal business, i.e., is there a question period and what are the—

**Mr. Larry Johnston:** No. They only sit on Fridays for private members' business—a private member's bill.

**Ms. Lisa MacLeod:** Really? So what's the attendance like?

**Mr. Larry Johnston:** That's one of the issues, that attendance is low.

**Ms. Lisa MacLeod:** I think that's one of our challenges here with a Thursday afternoon.

**Mr. Larry Johnston:** Certain procedures can happen with 100 members in the House, but it is rare to have 100 members in the House on a Friday.

**Mr. Gilles Bisson:** Yeah, but there's 600 members, right? There's 600 MPs, so I'm sure there's at least 50 of them there.

**Ms. Lisa MacLeod:** I just think in terms of us doing that on a—

**Mr. Larry Johnston:** The size of Legislatures, again, is important. As we said, the smaller Legislatures don't have many private members. Extremely large Legislatures, like the House of Commons in the UK, have so many private members, and it becomes difficult to facilitate private members' public business.

Any public member's bill that progresses beyond second reading is usually referred to a public bill committee, which, again, is like the legislation committee, but under the standing orders, only one public bill committee can be active at any one time and there's no set end point by which the committee must report its findings. The Hansard Society report provides greater detail

on these and other challenges with the private members' process at Westminster.

The House of Commons reform committee at the end of the previous Parliament also called for program motions for private members' bills and added, "We are convinced that in the new Parliament the House needs to give a high priority to an overall reform of the regime applying to private members' legislation."

I'd now like to talk—and I realize it's been long so far, but I would like to talk about Scotland and New Zealand.

**The Chair (Mr. Garfield Dunlop):** Sure. Any questions at this point?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Okay. Go ahead.

**Mr. Larry Johnston:** Both Scotland and New Zealand are unicameral bodies, like Ontario, and they're both moderately sized Legislatures, with 121 and 129 members each. They each have an all-party body that is chaired by the Speaker, or presiding officer, which is responsible for organizing and programming the business of the House. In New Zealand, this is known as the Business Committee; in Scotland, the Parliamentary Bureau. The footnote on page 11 gives you the composition of each.

In both jurisdictions, entry to the private members' bills process—and they're known in both New Zealand and Scotland simply as "members' bills"—the process is controlled. In New Zealand, each member is limited to one proposal at any time. Notice for a proposal to introduce a member's bill is made by delivering a signed copy of the notice to the Clerk of the House and the proposal is held until the bill is introduced.

In addition, there are only eight slots for members' bills on the order paper at any one time, and these are initially filled on the basis of a ballot drawn by the Clerk. When necessary, the Clerk will draw names to fill spaces that are created when an item of business has been disposed of.

The introduction of a member's bill takes place when the Clerk announces its introduction to the House and the bill is set down for first reading on the third day following introduction. At first reading, the member moving the motion must nominate the select committee that will consider the bill. Other members may suggest a different committee and that will be determined by a vote.

The debate on first reading in New Zealand is limited to 65 minutes in total. Just to show you, the last page of this document is taken from the order paper of the Parliament of New Zealand, and you see members' orders of the day with the eight bills listed. They are listed in order of priority based on how far along they are in the process, and that remains true throughout. The last column tells you how much time is remaining on those bills. For example, number 3, which was interrupted in debate on first reading, it says that there are six five-minute speeches left and the five-minutes in reply from the mover.

**Ms. Lisa MacLeod:** The one thing—and I just wanted to note this with the committee. I'm sure many of you have felt the same when there's been an issue or a bill before the House that you would have liked to have spoken to, but it's private members' time and the caucus already has their three or four speakers and you really can't have a substantive debate with two or three minutes on a given topic. I think that might be something we would like to consider, if we do changes, how we deal with committees and debate time. I think that's an interesting look at this, where 12 members on item 1 each had a 10-minute speech, so they were able to contribute. Now maybe we're not going to go that far, but even if there was a rotation, that we knew there was a set amount of time for individual MPPs to speak to a piece of legislation, that might be something to consider.

**1400**

**Mr. Larry Johnston:** I would note that, again, as in Queensland, as in New South Wales, the bill goes to the select committee after first reading and that committee must report within six months. So we've got a common theme here: Giving committees six months to report a bill after first reading.

If the report is accepted by the House, the bill is ordered for second reading, which is limited to 120 minutes in total, and at the end of the debate the Speaker puts the question that any amendments recommended by the committee, by majority, be agreed to.

A bill that's read a second time is set down for consideration in committee for consideration in detail, unless the Business Committee determines the bill does not require consideration in detail. The Business Committee may also set the terms by which the bill will be considered in second committee. If the report is adopted, the bill is set down for third reading and third reading is limited to a 120-minute third reading debate.

As I indicated earlier, the standing orders provide that members' orders are arranged in order of how far along they are in the process, third reading taking precedence over committee stage, over second reading stage etc.

When a debate on a member's bill is interrupted or adjourned, that bill is taken ahead of other bills at the same stage. In other words, a member's bill that's further along than others may retain its priority until its final disposition is settled.

**The Chair (Mr. Garfield Dunlop):** Thanks, Madam Clerk.

**Mr. Larry Johnston:** Two points about Scotland, and you may not wish to hear both of them.

**The Chair (Mr. Garfield Dunlop):** Go for it.

**Mr. Larry Johnston:** Scotland has a different legislative process which applies to all public bills and it has a specific process for the introduction of members' bills. While your document talks about the stages of legislation, first, I'm wondering if you might prefer if I move to how a private member's bill gets on the agenda in the first place in Scotland.

**The Chair (Mr. Garfield Dunlop):** Yeah, go for it.

*Interjection.*

**Mr. Larry Johnston:** There's no ballot. Instead, there's an extensive pre-legislative stage. Each member again may introduce no more than two members' bills in the same session. The process begins by submitting to the Clerk a draft proposal, and that draft proposal consists of the short title, a brief explanation of the purposes the bill is set and either a consultation document, which is to serve as the basis for a public consultation that will last no less than 12 weeks, or a written statement of reasons why that consultation based on published evidence elsewhere is not required.

**The Chair (Mr. Garfield Dunlop):** Who are they submitting this to now?

**Mr. Larry Johnston:** This is being submitted to the office of the Clerk—to the Parliamentary Bureau. Sorry.

**The Chair (Mr. Garfield Dunlop):** And they will decide then when—

**Mr. Larry Johnston:** They will decide, or their staff—well, if a consultation document is provided, that means that a consultation will begin and that document will be put up on the website. There will be 12 weeks for people to respond, and there may be hearings held etc. on the bill.

If it's a written statement of reasons that says, "We don't need a public consultation," the draft proposal goes to a committee whose remit is the subject area of the draft proposal. So if it's a bill about highways, it will go to the committee that deals with transportation. If it's a bill respecting libraries, it'll go to the committee that deals with culture.

They will consider the written statement of reasons, whether or not that's an adequate basis to not have a consultation, but either at the end of the consultation period or at the end of the one-month period or sooner, if the committee is satisfied with the statement of reasons, the member then lodges with the Clerk a final proposal which must be broadly similar to the draft proposal and accompanied by the summary of the consultation responses or the statement of reasons that was lodged with the draft proposal.

That final proposal is printed in the Business Bulletin.

Again, the second-last page of this document is from the Scottish Business Bulletin, section G, bills. You see the subtitle "Proposals for Members' Bills," and, halfway down the page, "Current Final Proposals," and here you see "Mark McDonald: Proposed High Hedges (Scotland) Bill" and then you see a list of names down below.

This final proposal is printed in the first issue of the Business Bulletin for one month, and during that one-month period, any member may notify the Clerk that he or she supports this final proposal. The member who has lodged the proposal obtains the right to introduce a bill only if at least 18 other members notify the Clerk of their support for the proposal and among those 18 members are at least half the parties represented in the Parliamentary Bureau—

**Mr. Bas Balkissoon:** I kind of like some of that.

**Mr. Larry Johnston:** —and during that one-month period the executive has not given an indication that it

plans to initiate legislation in the same session on the same topic or that the UK government has initiated or will initiate legislation during the current or next session to give effect to that proposal.

**The Chair (Mr. Garfield Dunlop):** How many get passed in Scotland?

**Mr. Larry Johnston:** Back at table 2: 18 out of 47. So more than a third, and that's between 1999 and 2011. Again, it would be interesting to do a comparison of the subject matter of the bills which pass in Scotland compared to elsewhere.

Okay, so that's how you get to introduce your bill. However, you should also know that the Scottish bills process requires that every public bill, when it's introduced, must have accompanying documents—we're back on to page 13 now. The accompanying documents consist of a statement from the presiding officer that the bill's provisions are within the legislative competence of Parliament; a financial memorandum giving best estimates of costs and time scales of those costs with respect to government, local authorities, individuals, businesses; explanatory notes on each provision in the bill; a policy memorandum setting out the objectives, if alternative ways of meeting those objectives were considered, and, if so, the rationale for the approach taken in the bill, a summary of the consultation, as we've heard, and an assessment of the effect of the bill on equal opportunities, human rights, island communities etc; and, for a bill with a provision charging expenditure on the Scottish consolidated fund, a report from the Auditor General for Scotland on whether the charge is appropriate.

**The Chair (Mr. Garfield Dunlop):** Yes, Jeff.

**Mr. Jeff Leal:** So the Auditor General in Scotland does the necessary detail analysis?

**Interjection:** Presumably.

**Mr. Jeff Leal:** None of those jurisdictions use an independent budget officer to look at these things? Somebody who's a public servant, but outside of sort of the Ministry of Finance?

**Mr. Larry Johnston:** I can't speak authoritatively to that. I was just looking at the standing orders. We can always find out.

**Mr. Jeff Leal:** Okay.

**Mr. Larry Johnston:** I won't go into any more detail about the Scottish legislative process except to note that it consists of three stages: consideration of general principles, consideration of details, and final consideration, and the first two are mostly done in committee.

The business program, which is what the Parliamentary Bureau creates—and I've talked before about the Parliamentary Bureau as an all-party committee with the Speaker. In Scotland, that Parliamentary Bureau programs all legislation. It programs everything that goes on—the timetables, everything that's taking place in the House—and it will set out for each bill a timetable in terms of when stage one is expected to be completed, when stage two is expected to be completed and when stage three is expected to be completed, and there are rules about a minimum time elapsing between the stages.

Again, just to draw out the common themes, the processes that take legislation through from beginning to end or require it to be defeated usually have some kind of vetting process at the start. They seem to limit the number of private members' bills that are in the system. In most cases, they limit the number of bills that a member may introduce, and they go to committee after first reading in most of these cases.

1410

**The Chair (Mr. Garfield Dunlop):** Okay, so you've taken us through that first section. Are you spending more time on—do you have something else to go to, or do you want to have an open discussion on this now?

**Mr. Larry Johnston:** I am done.

**The Chair (Mr. Garfield Dunlop):** You're done. Okay, I guess just to open it up again to everyone.

**The Clerk of the Committee (Mr. Trevor Day):** In your binders, under the private members' public business section, there was stuff sent out electronically; it's in there in terms of reading material. We have some information that was on your desk today. Larry's gone through a great deal of it. I believe we have information also on Quebec and British Columbia. Now it's really just a case of we're going to sit back and listen to what you have to say.

**The Chair (Mr. Garfield Dunlop):** Trevor, are you looking for a whole dialogue this afternoon?

**The Clerk of the Committee (Mr. Trevor Day):** It's fine. We can do a couple of things. We have time right now to maybe go over some of the areas that you're currently not pleased with within our system. I think Larry, through the previous report, has touched on what previous committees haven't been pleased with, and we're trying to rectify that. Is there anything that you're seeing here that you think we should maybe focus on a little more? We're just open for now around the discussion of private members' public business. Where should we start to focus some of our efforts? Are there ideas that you don't like at all?

**The Chair (Mr. Garfield Dunlop):** If I could make a couple of suggestions. One I think we heard fairly early in the meetings with the Clerk was, first of all, the timing and the interest in having more members in the Legislature to debate it. Certainly, I'd like to throw that out there for the members of the committee to talk about. Are you always happy with Thursday afternoon, having three in one afternoon? I know that I've seen a lot of people nod in sort of a favourable way when we've talked about maybe one each day for three days of the week and using maybe three hours up that way.

Can we maybe start with the timing? I'm thinking more than anything about the interest in having more people watching the debate and taking more of an interest in it. Can I just throw that out for any of the members to make a comment on?

**The Clerk of the Committee (Mr. Trevor Day):** I guess the other thing is that timing will be something that we will be looking at. Again, I think some of that has to do with what process you land on. We have heard that

Thursday afternoon is not ideal or is an item for concern. I guess some of the things that Larry had put forward—how do we feel about a vetting process early on or not everyone having a private member's ballot item? Some of the stuff that we've heard from other—

**The Chair (Mr. Garfield Dunlop):** First Jeff and then Steve.

**Mr. Jeff Leal:** Thanks Garfield. I think you're on to something.

First of all, thanks very much, Larry. This is a very comprehensive report. You and your team have done a very good job of highlighting how private members' business is done in a number of jurisdictions, which I think is very helpful for all the members of this committee.

I think there is a problem on Thursday afternoon. If we could find a mechanism—I'm just speaking from my own experience of being here almost nine years now—to look at ways to spread out the discussion of private members' business, because there are a lot of very serious issues and ideas that are raised through the private members' process. I think it would provide for a better debate to spread things out over a number of days. If it's an hour each day—I'm not sure what the optimal allocation of time should be, but I think, out of mutual respect for all members of the House, that would be a better mechanism.

The opportunity to take a look at these bills at a very early stage would also be helpful. We have an interesting situation this Thursday: We have two private members' bills that are virtually identical, one from Mr. Fedeli and one from Mr. Mauro. I've taken a quick look at each one of them and there's not a lot of differences. So on Thursday afternoon, we'll spend an amount of time debating two bills which both have merit but essentially achieve the same objective. So if there's some way we could deal with those kinds of issues early on and then that would free up opportunities for other members to deal with a private member's bill. Thanks, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** Okay. Steve?

**Mr. Steve Clark:** I just want to make a couple of comments as well. I think it goes back to what we want to accomplish by the reforms to the private members' bills process. If we have a philosophy that we want to strengthen the individual member, there are a number of recommendations and a number of instances, as Larry has highlighted, where the individual member can have that opportunity to put ideas on the floor. I agree that Thursday afternoon, in my opinion, is not the right place to maximize private member participation. I certainly agree that the three mornings—the Tuesday, Wednesday and Thursday mornings, maybe an hour a shot—would be more appropriate.

I would want to say, though, that there should be some discussion about the vetting process. You used Mr. Mauro's and Mr. Fedeli's bills. I think Ms. MacLeod earlier had just touched upon Bills 13 and 14—

**Mr. Jeff Leal:** There are lots of examples.

**Mr. Steve Clark:** And I agree: As you said, there are lots of examples. I think there are some other opportunities, and whether we as private members want to have the availability where we can sponsor eight or nine or 10 bills, as a handful of members do. I'm not sure that volume is strengthening the role of the individual member, and that some of the opportunities where there are two, where you have to prioritize, have some more substantive process, and talk about—and I really like what's in Scotland about the documentation, the consultation, some of that substantiveness that I think private members' bills should have.

I think there's a lot of good in some of those reports. It's just a matter of what we, as individuals, want private members' bills to be. In my opinion, it's got to have some strength and some decision from us as members on what we're going push—in this case, using one of the examples, two ballot spots. It's an interesting dilemma.

**The Chair (Mr. Garfield Dunlop):** Laura, and then Gilles.

**Mrs. Laura Albanese:** I agree that Thursday afternoon is perhaps not the ideal time. We discuss a number of important issues, but we know that we try to give some deference to the members that are from out of town, and really you just have a closed number of members: the ones that are presenting a bill and the usual, closer GTA members that stay back, that participate in the debate and that will maybe have a chance to say—and they're not heard at large by all the other members.

I don't know if spreading it out one each morning is the ideal thing to do as well. It may be too spread out. But I agree that we need to look at that, so that's one area of interest for me. We may have to look at the schedule first, the rest of the schedule, so that we can—the vetting process is interesting. I think it would avoid some duplications. Some examples have just been brought forward.

I'm also interested in the co-sponsoring in a more substantive way. I do at times think of issues that I'm interested in and wonder if this would be interesting to someone on the other side, and how we could perhaps get some co-operation and bring it forward. So I am interested in that as well.

**The Clerk of the Committee (Mr. Trevor Day):** Just a quick question: When you say "co-sponsoring," when you're referring to it, are you referring to members being able to sign on to a particular bill, like the Scotland example, where there's a minimum threshold—

**Mr. Steve Clark:** I like the second idea, myself—the one that they do in the federal Parliament. The example that they showed us was Scotland, where other members can sign on as agreeing with the intent of the bill.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Gilles—

**The Clerk of the Committee (Mr. Trevor Day):** Would that work into—sorry—just a minimum threshold of some sort?

**Mr. Larry Johnston:** I just want to point out that in the Scottish process, the members sign on to the final

proposal, and that's not the bill itself. The bill comes forward if—so it might very well be that you have ideas; you've signed on, you're talking to the primary mover—the person who's done the proposal. When the bill is drafted, it may be that some of your concerns and the other people who've signed on to that bill are incorporated in the drafting, because now you have a group of people who've indicated, "We support this final proposal."

1420

**The Chair (Mr. Garfield Dunlop):** Gilles had a comment, and then Bas, too, as well.

**Mr. Gilles Bisson:** I guess a couple of things, just from my perspective. I think there's a little bit of something good in all the different jurisdictions. Trying to copy one of them, sort of, wholly, I don't think is the way to go, but I think we can cherry-pick.

Just a couple of ideas for people to consider: I like the ability that members can introduce a bill. We should never take that away from them; that would be one of my principles. But there needs to be some sort of—I'm not sure if it's a vetting process or some sort of programming motion tied to private members' bills.

I would suggest the following: that you have something that essentially is akin to what I heard in one of these presentations, but it might be, maybe, morphed better into some of our own experiences here in Ontario and, that is, that you have a sort of programming motion that is agreed to about how we will move forward with those bills that receive second reading.

In other words, you have the ability to get to second reading; short debate at second reading, and if you happened to pass, there's some sort of a programming motion at that point that then allows you to say as caucuses, "Okay, government caucus, you decide which percentage"—you know how we go by percentages? Certain things we do by percentages, striking of committees, all that kind of stuff. So you'll say, "Okay, a certain percentage of the bills for the Liberals, a certain percentage of bills for the opposition, each party." It's then up to those caucuses to decide what they want to put forward as their one or two items that move forward. Because then it makes the caucuses—it forces the members to get some of their own caucus members on side. That's one version.

Or the other version: You have some sort of threshold, if you can sign up X amount of members with the proportion from each caucus, that allows you to be into the programming process. Either one of them kind of works for me.

The point is, we need to allow members to introduce bills; we should never take that away from them. They should all have an ability to have a debate, as per the ballot item pick, but I think where it gets more substantive, and where I think we need to change it, is what happens after second reading. So there is, really, an ability to move substantive bills beyond the second reading stage into some form of committee, whatever that is, and then either to Committee of the Whole or com-

mittee, and then it's not dependent on the government for it to be called at third reading.

**The Chair (Mr. Garfield Dunlop):** Okay. Bas and then Jeff.

**Mr. Bas Balkissoon:** I just wanted to comment that it may sound on the surface to debate one bill every morning as a perfect solution, but then you run into the problem: Who's going to stay here on Thursday afternoon to do the regular business debates? It comes up with the same problems. Scheduling will always be a challenge.

I sort of like some of the ideas in the Scotland model. I really like the fact that you table the idea with the financial basis for it, the policy basis for it, and there's that process. Because, to me, if you do that, we would get legislative ideas coming forward that have some meat to them; they would be substantial and they would be relevant. I think we should really look at that because it has some real merits to it.

**The Chair (Mr. Garfield Dunlop):** Jeff, and then Gilles.

**Mr. Jeff Leal:** The other issue, Garfield—I don't know if we want to address it through this process too. But, essentially, what we've noticed over the last number of years is two types of private members' bills. We have what I would call proclamation bills and then we have policy bills.

In the sense of proclamation bills, everything that we agree to—like, we had Italian Heritage Month, Jewish Heritage Month and General Brock day. Those are all things that we rush through. We give them second, third and royal assent on any given day, and we need to do those kinds of things. But that kind of activity is quite a bit different from other bills that are private members' bills that are a policy in nature, like, do we demand that all homes in Ontario have carbon monoxide detectors, which is really a policy bill that's going to dictate a specific series of consequences as you move forward, as opposed to a proclamation bill. They both take the same amount of time, but they're two different things that we're really dealing with.

**The Chair (Mr. Garfield Dunlop):** Jonah, do you want to do it? And then Gilles's got a question.

**Mr. Jonah Schein:** Sure. I think we talk a lot about trying to move policy in a way that's not as partisan. I wonder if private members' business is a way to do that, potentially, and I wonder if there's a way—you know, there's some stuff that just needs to get done and that sometimes gets slowed down by partisanship. I wonder if there's a way to weight private members' bills, based on the kind of consensus you can build, before they even come to the floor—so something could be prioritized based on almost a petition so you could gain support privately for something, and that would take priority. I think that that might be an interesting way to try to move some stuff forward in a less partisan way, if that makes sense.

**Mr. Larry Johnston:** Well, really, what the Scottish proposal is saying is that you get to introduce your bill if you've got 18 members, and half of those members come

from at least half of the parties in the—or those members come from at least half of the parties in the Legislature. So it's never going to be a bill that's supported by just one party, or just members from one party.

**The Chair (Mr. Garfield Dunlop):** Absolutely. Steve?

**Mr. Steve Clark:** I just want to bring up another point. Just as we talked about the Alberta model earlier today, and understanding ultimately what were those private members' bills that were passed, I'd be really interested, with the Scottish proposal, on the history of whether there were proclamations in addition—we're focussing now on the whole substantiveness of that Scottish process, but I'd like to see in a written form the bills and what they were—

*Interjection.*

**Mr. Steve Clark:** A bill summary or just an overview and just a paragraph explanation of what they were. I think it would give me, certainly, a better understanding of what cause and effect happened in Scotland. So my request is the same as the Alberta legislation: I'd like to see the final bills for Scotland as well.

**The Chair (Mr. Garfield Dunlop):** I think what I am hearing here today—and I hope I'm correct on this. I think people, at least the committee members, really appreciate private members' time and private members' resolutions. I think I heard Gilles say that very clearly. Are there any thoughts that we're trying to put too much emphasis on this or should we continue this—

**Mr. Bas Balkissoon:** No, it needs to be cleaned up.

**The Chair (Mr. Garfield Dunlop):** Yeah, continue this dialogue between the—to strengthen this. Because I've got to tell you, as a member—I'm in my 13th year here. I have to say, one of the things that for me has been disappointing is the number of private members' bills that have not had a chance to pass. There's been some really good stuff out there and sometimes the government will grab the bill and run with it, or it'll just completely fall into oblivion with the loss of the Parliament. So I think if we're on that path and we can strengthen that in any way—as good as we can together.

**Mr. Steve Clark:** But again, Chair, I just want to bring up a point that I think perhaps the Clerk made. We have to understand, when we lay out a change in the system, that members from all parties, whether they're government or opposition, are going to use whatever system is at their disposal. The case in point I use is that I had a very early ballot date, so I made a decision: Did I want a bill that passed, which was my proclamation bill? Did I want to make a statement from the election that I knew wasn't going to be supported by one or the other parties? What was I going to do?

I used the system that was available to me, because I had an early ballot date; to take something I could get consensus on that I perhaps wouldn't get consensus on now or six months from now, as opposed to the bill I'm presenting today, which I know to some degree that government and the opposition supports, but the stakeholder just wants the idea out there.

I think no matter what we decide, we have to look at the result in those other Legislatures. I just want to reiterate that I've asked for Alberta and Scotland. Maybe we need to understand the other provinces and the other countries, just to understand what is getting passed, what is not getting passed; in our Canadian system, what does get passed aside and not voted on versus something that ultimately gets to a vote. I think it's important to see how those Legislatures and those other governments use their private members' bills and what the end result becomes.

**The Chair (Mr. Garfield Dunlop):** Thanks, Steve. Over to Bas.

**Mr. Bas Balkissoon:** Just a quick comment: When we do the research on these two models, always the one question that we should ask is, if you had a chance to redo this, what would you do different?

**Mr. Steve Clark:** There's always something.

**Mr. Bas Balkissoon:** So I leave that with the research officer, so at least we know what their concerns are.

1430

**The Clerk of the Committee (Mr. Trevor Day):** We have been trying to, and this is sort of ongoing. A lot of the information you're seeing here is based on what's in writing: standing orders, stuff that's in print. Our system here, when other people look on, looks really good in writing as well. So we are trying to contact them, procedural to procedural to say that—

**Ms. Lisa MacLeod:** We look good on paper, guys.

**The Clerk of the Committee (Mr. Trevor Day):** —to find out what the downfalls might be with someone who's living through the system.

**Ms. Lisa MacLeod:** So you're basically calling us the Toronto Maple Leafs of Legislatures or something, eh?

**Mr. Bas Balkissoon:** That's why you have to ask the question: If you had the chance to change it, what would you change?

**Ms. Lisa MacLeod:** Well, that's the question: If you had the chance to change it, what would you change? To Mr. Balkissoon's comment, I think obviously that's why we're here. We're wondering how we do that. And it strikes me—you know, the Chair just spoke about it and I think we've all said it from time to time, and Mr. Clark did as well—that we're talking about ideas and how to best leverage this assembly to pursue our ideas.

Those can come in many different forms. For those of us who are in the opposition, it could be a critic-related idea. For all of us, as private members, it could be a riding-related idea; it could be an interest-related idea. And I think sometimes we'd like to pursue them, and sometimes, actually, legislation isn't the appropriate venue; it perhaps could be at committee. I think this is where we have to decide: Is there a balance between what goes through the legislative process as a private member's bill and what might go through the legislative process at committee by empowering private members to do a more directed study?

Ms. Albanese and I are the only two females here, and I normally wouldn't say that, other than we did have our first women's caucus meeting last night of all three

parties. I think one of the things that we talked about, as a shining example of this assembly in the last decade that everyone can point to, was the Select Committee on Mental Health and Addictions. Everyone is proud of the work that was done there and we certainly talked a great deal about that last evening. Now, while that might not have a direct impact on the private members' bill process, it is another avenue for bringing those ideas from our constituents and from committed community organizations, and even from the backbenches or in the opposition benches where we have ideas of mutual concern.

So I think maybe when we're talking about private members' business, we shouldn't just look at it as bills and legislation. I think if we wanted to have a section on empowering the private member, that might be an opportunity for us, because, as Mr. Schein was talking about what kinds of bills were passing or if there is a way for consensus—there might be, but maybe it's not on the legislative tool.

I've grappled with this. I have a ballot question coming up in September. I'm wondering, do I do it in my critic area, or is there an issue at home I want to do? Then there's another issue that's important to me, child protection, and I want to do something on that, but I only have one ballot. And then you're thinking there, how do I best contribute my private members' time for all of those competing demands on all of our collective times? And so there might be, if there were a number of people that had—and I'll use child protection again as an example. Maybe legislation from one private member isn't the way to go, but maybe there is a committed group of legislators from all three political parties—whether it's a select committee or another group that would advise a minister or something—where they could actually put forward their ideas.

I would just like to know if there's a place in the Commonwealth that's doing that really, really well. I just feel that there's more opportunities for us than what we actually have before us. So if we were to say, "What are we doing well?" let's answer that question, but if we could do it over again, like Mr. Balkissoon said, how would we do it? So that's my two cents, Chair.

**The Chair (Mr. Garfield Dunlop):** Okay, Larry. Do you have comments on that?

**Mr. Larry Johnston:** Just to add on that last point: I didn't get there, but a member in Scotland may submit a draft proposal for a bill to a committee. It actually goes to the Parliamentary Bureau to be referred to a committee within whose remit that proposal falls, and the committee may consider whether or not it should make the proposal a committee bill, which, again, has its own set of rules under the rules for committee bills. And if that proposal is introduced, it's treated as a member's bill for the purposes of the rule that the member can only have two bills in a session. But it goes through the committee. It's similar.

**The Chair (Mr. Garfield Dunlop):** Okay. Any other comments? We sort of started talking about the interest in timing of the bill, and we've had a pretty thorough—I

guess, as we look towards the next meeting, this is just sort of an initial meeting of chatting about private members' bills and resolutions. What else would the committee like to see in the discussion, if we take it to the next step now? Am I clear on this, Trevor? Are you fine with that?

**The Clerk of the Committee (Mr. Trevor Day):** What we're looking for—the hope would be that perhaps we come back next week, we continue the discussion on private members' business, but we try to get a little more substantial. This was a learning curve—

**Mr. Bas Balkissoon:** We should focus on the two models, but—

**The Clerk of the Committee (Mr. Trevor Day):** A lot of the stuff you got was just sort of dropped in front of you today, so there is some reading and there is some to go over.

**Mr. Bas Balkissoon:** Is one week enough?

**The Chair (Mr. Garfield Dunlop):** We're going to have to work away till we get set.

**Mr. Bas Balkissoon:** We could move on to another area and let them do the research and bring proper research to us on private members' bills.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Hold on a second. Larry, what did you say?

**Mr. Larry Johnston:** I'm presuming you would want research on the next area as well. I'm not sure that we can—

**The Clerk of the Committee (Mr. Trevor Day):** That's the balance.

**Mr. Larry Johnston:** —balance that.

**The Clerk of the Committee (Mr. Trevor Day):** The next topic we'd like to touch on is, again, committees, but in order to do it well, we'd like a little time to accumulate that research.

**Mr. Bas Balkissoon:** I think we're going in the right direction. If we see Scotland and Alberta and—

**The Clerk of the Committee (Mr. Trevor Day):** Even if you can take this away with you and speak to your colleagues—we know what the topic is now; there have been some ideas floated, and there's more in the information—to see if you can get, not even a consensus, just some ideas from other members about what part would they like to change, what would they like to do differently here.

**The Chair (Mr. Garfield Dunlop):** Trevor and Larry, can we start the work on—let's say we come back here next week and we follow through with Scotland and Alberta. In the meantime, though, can we be starting to do research on committees?

**The Clerk of the Committee (Mr. Trevor Day):** Oh, yeah, and that's a given. That's what we're going to—

**Mr. Larry Johnston:** But before I do research on committees, I would like to know what the members' main concerns are about committees and what it is that members want to have information about.

**The Chair (Mr. Garfield Dunlop):** Okay. Lisa?

**Ms. Lisa MacLeod:** I'm just wondering: Time is ticking here; we're now in the middle of April. We have a report to write, or an interim report. I'm wondering if we can—and I might not be popular for saying this. Is there any way we can add meeting times, like do a working lunch or something?

**Mr. Bas Balkissoon:** You mean the schedule?

**Ms. Lisa MacLeod:** Yeah. You know, what I'm thinking, Bas—Mr. Balkissoon, for Hansard—is to do some dedicated time where we actually—two hours at a time, once a week, is just not enough.

**Mr. Bas Balkissoon:** You mean for us as a committee?

**Ms. Lisa MacLeod:** Yes, so that we can do some directed study.

**Mr. Bas Balkissoon:** It depends on everybody else's committee schedule.

**Ms. Lisa MacLeod:** I know

**The Clerk of the Committee (Mr. Trevor Day):** One of the things that I can point out is, this committee is actually authorized to meet after lunch, from noon till 3 o'clock. We've been meeting at 1 in order to try to allow you to get some lunch and to not be here right away. We can move up that start time, at the will of the committee.

**Ms. Lisa MacLeod:** I'm just going to propose that we consider that. I actually support it. I just feel that we're now at 2:38—the House is going to resume in a few minutes—and we've got a lot to cover.

**The Chair (Mr. Garfield Dunlop):** Yes, I understand.

**Mr. Steve Clark:** I think we need that extra hour too, Chair, if we can try that next week—if the committee's willing. I certainly agree with Ms. MacLeod that we should take advantage of the time. So if we can meet—I'd like to hear from the other members—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** We're talking now about meeting more often.

**Mr. Gilles Bisson:** More often is fine, Chair.

**The Chair (Mr. Garfield Dunlop):** Probably the best way is to do it on Wednesdays at noon, as opposed to 1 o'clock, and that would give us an extra hour a week. Ms. MacLeod is worried about getting some things accomplished.

**Mr. Gilles Bisson:** Well, I'm going to defer to my good friend Mr. Schein, because there are going to be some times—as House leader, there are things that always happen after question period, and it's hard to get to.

**Ms. Lisa MacLeod:** Then can we amend that, maybe, to 12:20?

**Mr. Gilles Bisson:** Let's say 12:30. Can we do that? Can we split the difference?

**Ms. Lisa MacLeod:** That's gives us an extra half-hour.

The other thing I would like to have considered is if there's an opportunity for us to do, on a two- or three-day

period of time, where a lot of this is fresh in our mind—I don't know if we have—

1440

**Mr. Gilles Bisson:** During constituency week, you mean?

**Ms. Lisa MacLeod:** Yeah. You know what? I'm sorry to do this to you guys. The last place I want to be on a constit week is sitting here with you guys, but I'm cognizant of the—

**Mr. Gilles Bisson:** Listen, there are some wonderful little cafés in downtown Toronto.

**Ms. Lisa MacLeod:** Well, except for you, Leal. I want to be sitting here with you.

**The Chair (Mr. Garfield Dunlop):** We'll have to deal with that when we get there, because people may have other plans.

**Ms. Lisa MacLeod:** My sense is that we do have a lot of ground to cover, and I think that if we had two or three days of just—maybe it's two days; that it's just directed, four or five hours each, where we can move through a lot of this and even speak to a few people.

**Mr. Bas Balkissoon:** We have four weeks before the next break. Why don't we use three of those four to see how far we can get, then make that decision?

**Ms. Lisa MacLeod:** On the fourth week?

**Interjection:** Yes.

**Ms. Lisa MacLeod:** Okay. So that can be our fail-safe, then.

**Mr. Bas Balkissoon:** This guy's saying that after next week, we may not be here.

**Ms. Lisa MacLeod:** Oh, come on.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, so what we're looking at now—

**Mr. Bas Balkissoon:** Which way are you voting?

**Ms. Lisa MacLeod:** I'm voting against you, but I hope to see you the following day. Let's just put it—

**Interjections.**

**The Chair (Mr. Garfield Dunlop):** Okay, guys, hold on.

**The Clerk of the Committee (Mr. Trevor Day):** Next week, on the topic of private members' public business, we are going to sort of go through an itemized list of "How do you feel about this? How do you feel about this? How do you feel about this?", from how they get introduced—one of them will be, "When is the timing of it? How they get introduced," stuff like that, to try to get an idea of where you want us to look.

We're at 2:41.

**Mr. Gilles Bisson:** I have a question. I'm sorry, I had to step out for a few House leaders' things.

Can I just test—because I had raised a few issues before, and I don't know if you had a further discussion, but I was trying to put in my head what are sort of the components of what it is that we agree on and what parts we can look at. Can I try this?

Just a bit of a show of hands without making it a binding vote: Do we all believe that we should give every member the ability to introduce bills?

**The Chair (Mr. Garfield Dunlop):** Yes. We agreed to that.

**Mr. Gilles Bisson:** Okay. And number 2: that every member should have an ability to debate, on a ballot selection—time for debate. When it is, I don't care; that's a whole other debate.

So then the next part comes: the idea of some form of programming motion or mechanism that allows bills to get into committee in an easier way is sort of where we want to go, so they get committee time.

**Mr. Bas Balkissoon:** Well, we'd like to see the Scotland model of preparation and vetting.

**Mr. Steve Clark:** Just as we said with Alberta: that we want to see what type of bills ultimately got—

**Mr. Gilles Bisson:** Yeah, yeah.

**Mr. Steve Clark:** We want to see the same with Scotland, to see how that programming, how that—

**Mr. Gilles Bisson:** Yeah, so we look at—but let me—I'm almost done. To that point: Whatever way it's done—and I don't care if it's Scotland, whatever, a combination thereof. But the issue is, we need to give members who have had their bills passed at second reading some time in committee so that they can be heard in a timely fashion. I guess that would be the way to put it.

Then, once that happens, that there is an ability to have that bill called for third reading without being hostage to the government in some mechanism.

**Mr. Bas Balkissoon:** Well, I wouldn't go there yet, Gilles—

**Mr. Gilles Bisson:** Okay, that's fair.

**Mr. Bas Balkissoon:** No, no, and I'm going to tell you why. I mentioned that if you look at the Scotland model and you look at the preparation steps and the vetting steps—I could be wrong, but my vision is that you're going to see much better-quality bills come from private members, and maybe the third stage will never become problematic, or it'll be limited.

**The Chair (Mr. Garfield Dunlop):** Okay. Anyhow, that gives Larry some direction, I think.

**Mr. Gilles Bisson:** I was just testing the waters. I think Jeff wanted to add to that.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** Gilles, you and I have had this discussion: the ability to kind of separate what is essentially a proclamation. I think we look at some mechanism to handle that, because they're very important and they have great meaning. But to separate that from what are essentially policy bills—bringing in carbon monoxide detectors for every house in Ontario, right? Because they're two different issues. They need to be treated and need to be looked at, but I think there are two mechanisms to handle these two poles, right?

**Mr. Gilles Bisson:** I agree. That's a very good point.

**Mr. Jeff Leal:** That's all.

**The Chair (Mr. Garfield Dunlop):** Okay. So we're going to give Larry the last word here today, guys. I want to get Larry's summary on this so he can—

**Mr. Larry Johnston:** I just wanted to—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Larry?

**Mr. Larry Johnston:** On the opening page, I did suggest—

*Interjections.*

**Mr. Larry Johnston:** No, no, it's just—obviously members are concerned about bills stagnating in committee once they've been referred to it and how do you get them out of it. I did suggest on the first page that from all we've seen and the processes we've looked at, there are really one or two things that happen. Either there are provisions in the standing orders that allow a bill that receives second reading, or first reading in some cases, whatever bill it is, to proceed through the remaining legislative stages unless it's defeated. We see that in the Alberta model; we see that in the Queensland model. How many bills that allows to go through is the issue. The alternative is programming motions, as Mr. Bisson is talking about. But then the question arises: Who does the programming? And where we see programming motions, it's usually where we have an all-party committee that makes that decision, but that very often is programming the business of the House as well.

**Mr. Gilles Bisson:** But I guess my point was, Larry, is there a hybrid? Because where they do that type of thing is right at the beginning of the process in those other jurisdictions. Is there a hybrid that allows us to maintain the tradition here of being able to introduce bills and get a debate and use their vetting process to get to the next stage? And to Jeff's point, and I think you're 100% right: separating substantive and non-substantive bills, whatever way you want to say it.

**Mr. Larry Johnston:** Well, Scotland seems to be that hybrid, in that it doesn't restrict any member from introducing a proposal, and it allows any proposal that is supported by 18 other members with cross-party representation to go forward. If it goes forward, it is then automatically programmed by the business committee.

**Mr. Gilles Bisson:** I hear you, Larry, but I guess what I'm saying is, I want to give the member the ability to raise the wacky issues, because sometimes what sounds

wacky is something that we come back at one point and deal with. I'm just saying, if we can preserve the ability to have that second reading debate so the person gets their one hour—

**Mr. Larry Johnston:** But that debate, in other places, I would submit, is probably done in resolutions. If it's not a bill, it may be done in a resolution—

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Bisson, just to check, what I'm hearing from you is, you're okay with our process—forget the timing—up to, say, second reading debate has passed.

**Mr. Gilles Bisson:** Yeah.

**The Clerk of the Committee (Mr. Trevor Day):** Now we're getting a bottleneck in committee and maybe there's some way to sort of sort those through so that you've made it to second reading, you've passed, but some of the more substantive ones are going to be on one track and we can sort of unclog that committee system so that it can make it the rest of the way through. Is that—

**Mr. Gilles Bisson:** Yeah, that's kind of what I'm saying. Thank you, a very good synopsis, Trevor.

**The Clerk of the Committee (Mr. Trevor Day):** Thank you.

**The Chair (Mr. Garfield Dunlop):** Larry, are you okay—

**Mr. Larry Johnston:** I'm fine.

**The Chair (Mr. Garfield Dunlop):** —for some direction for next week? Okay. So we'll meet at 12:30 next week. Is that—

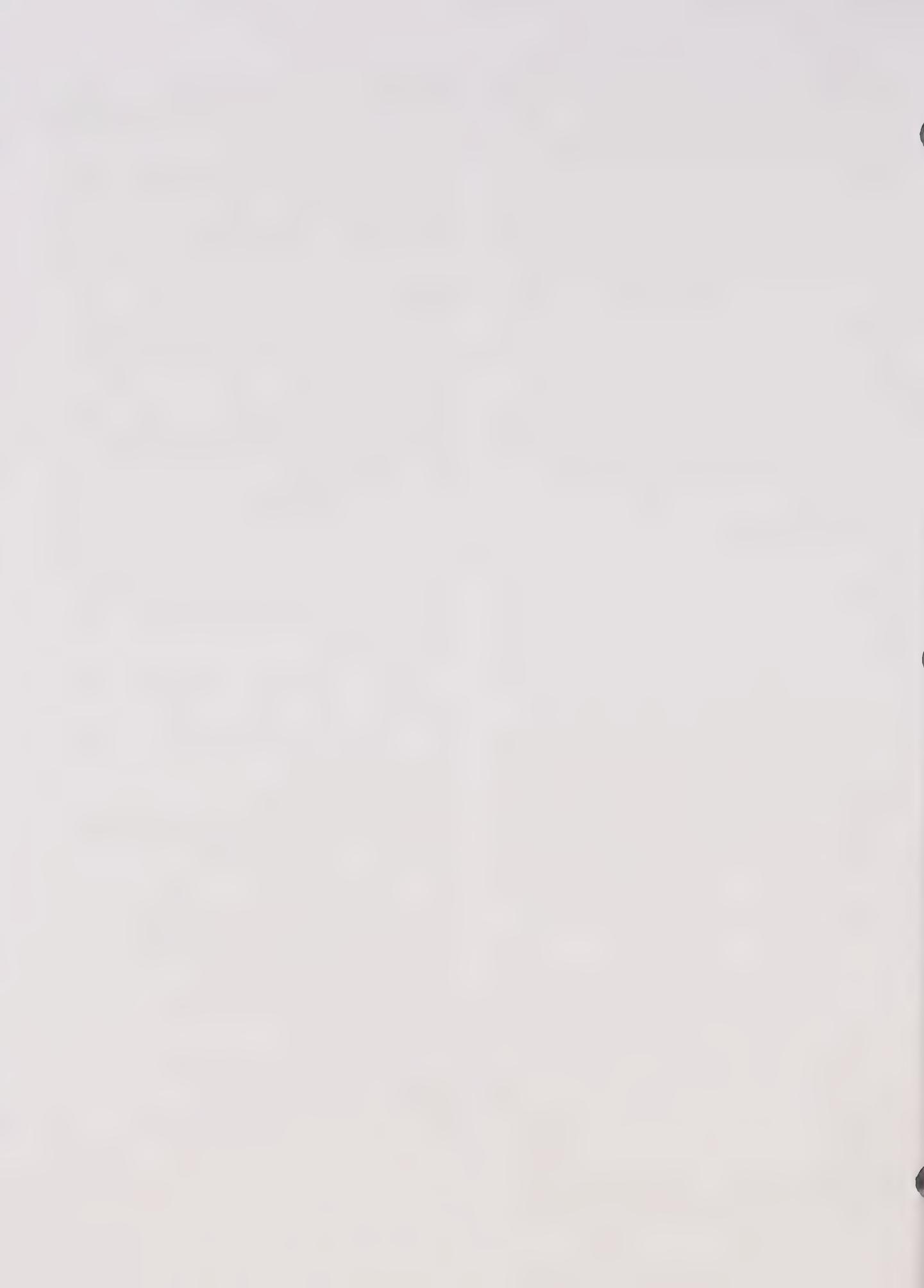
**Mr. Jeff Leal:** At 12:30.

**The Chair (Mr. Garfield Dunlop):** At 12:30? Okay. Are there any other comments anyone would like to make today as we move forward here? Lisa.

**Ms. Lisa MacLeod:** On behalf of the committee, obviously, we'd like to thank Larry for doing the outstanding work that he's doing. We really appreciate it, so thank you very much.

**The Chair (Mr. Garfield Dunlop):** Okay, folks. Don't forget your binders, and we'll see you here next Wednesday at 12:30. The meeting is adjourned.

*The committee adjourned at 1448.*





## **CONTENTS**

Wednesday 18 April 2012

Standing orders review .....	M-61
------------------------------	------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

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Legislative Research Service



M-7

M-7

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## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 25 April 2012

# Journal des débats (Hansard)

Mercredi 25 avril 2012

## Standing Committee on the Legislative Assembly

Standing orders review

## Comité permanent de l'Assemblée législative

Examen du Règlement



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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 25 April 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 25 avril 2012

*The committee met at 1231 in room 1.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting to order. Welcome, everyone. Thank you for bringing those sandwiches forward. We'll see if we can get a productive afternoon in here. Trevor has already gone over the format of the meeting. Larry, maybe we'll turn it over to you to begin with and you can go through what you've presented to the committee today.

**Mr. Larry Johnston:** You should have a document in front of you called Private Members' Public Bills—Additional Research. This presents three tables, one for Alberta, one for Scotland and one for Ontario, listing the private members' public bills passed since January 1, 2002.

There's also a preliminary table on page 2 which provides some summary statistics. You can see the number of bills passed during that period; the average length of the bills in terms of sections; the number of new acts introduced, as opposed to acts that were amending existing acts; and a breakdown in terms of the number of bills introduced by a government private member, as opposed to an opposition private member.

In the case of Ontario, you'll see that during this period 10 bills were co-sponsored as well. Eight were co-sponsored by three members; two of them were co-sponsored by two members. You'll see that in the Ontario table where it says co(3) and co(2).

I would note the note to table 1, that using the number of sections to measure length is an inexact measure, but it's as good as we've got.

We've also provided you with three bills from Alberta: Bill 201 from 2011, the Health Insurance Premiums (Health Card Donor Declaration) Amendment Act; Bill 202 from 2010, the Mandatory Reporting of Child Pornography Act; and Bill 205 from 2009, the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act.

**The Chair (Mr. Garfield Dunlop):** So the intent was to just give—say, for example, the Alberta example. That's just for our information. That's what their bills look like.

**Mr. Larry Johnston:** Just for your information. I believe one of the members had asked in particular for a comparison of legislation in terms of seeing what the

quality is of legislation elsewhere, compared to anywhere you like.

**Mr. Bas Balkissoon:** I think the issue that I—if it was me—raised also is, there was some form of a vetting process before. Do we know how it works? Is it in here?

**Mr. Larry Johnston:** It should be. In your presentation from last week?

**Mr. Bas Balkissoon:** Yes. I mean, these are examples of stuff that has gone through, but I think our issue here is the stuff gets in and it sort of gets lost. Is there a process to move it ahead? I know that was Mr. Bisson's concern. How do you get to that other stage with a proper assessment process in terms of, if you look at the number of bills that we have presented by members versus those that are approved, you have to look at the process and say, "Is this efficient? Is this the best use of taxpayers' money?" I had heard from others that the Alberta model might be a little bit better than ours, and that was the kind of research I was hoping we'd get also.

**Mr. Larry Johnston:** If I could just explain briefly, Alberta basically timetables the stages of its private members' bills. So there's a limit on how long a bill is debated at second reading; there's a limit on how long it's debated at committee in the whole; there's a limit on how long it's debated at third reading. And then there are certain deadlines in terms of how long a committee has before it can call a bill—a minimum length of time when third reading is called.

The process sort of goes, once a bill gets second reading, the bill sort of continues on its process until the bill is passed or defeated. What we talked about before last week, though, was that there's only one hour a week for private members' business in Alberta. So that limits the number of bills that realistically could be passed in any session, given the number of minimum hours.

**Mrs. Laura Albanese:** However, I believe that there was another example that was brought forward. I cannot recall which jurisdiction—perhaps Scotland. It had what MPP Balkissoon refers to as a vetting process. It had a mechanism that looked at the bills beforehand, before they were presented, and some were deemed good and others would be discarded.

**Mr. Larry Johnston:** In Scotland, the process before introduction consists of considering proposals. Members submit a proposal on a topic on which they would like to introduce a bill. That proposal must be accompanied by certain documents, and then the bill is posted on the

business bulletin. The bill may be introduced if the proposal receives the support of I believe it is 18 other members, and that membership must consist of at least half of the parties in the Parliament. It has to be cross-party support.

**The Chair (Mr. Garfield Dunlop):** Steve, you had a—

**Mr. Steve Clark:** No. I appreciate the work that you've done, Larry, and I think table 1, the summary statistics for Alberta, Scotland and Ontario, and then the accompanying list of the bills and what they accomplish—that's exactly what I wanted, because what I feared was what I see in the table. While we've passed a little more than Alberta, when you look at our bills, there was a significant amount—and you've mentioned 10 that were co-sponsored—that were more proclamation-like, ceremonial-like. I was interested in the discussion that you and I had before the committee about the fact that in other jurisdictions, that's done through a process of motion, and it also gave the ability for members to sign on to a particular motion so that it could be moved along through the process. If it didn't get that support, at some period of time it would dropped off.

It's not the same vetting process that Mr. Balkissoon talked about, but I think that that has some merit, so I'd like you to explain it to the committee.

**Mr. Larry Johnston:** All right.

**The Chair (Mr. Garfield Dunlop):** Larry, before you explain it to the committee, is there anywhere the process is outlined in here at all? You had asked for an example of the vetting. Is there any way that the three processes are outlined, and how we get to them?

**Mr. Larry Johnston:** The processes are outlined in the document that the committee received last week. That should be in your binder.

**The Chair (Mr. Garfield Dunlop):** Okay. So we already have that information when it comes to making the final decision. I'm just trying to clarify what we actually have in writing in front of us.

**Mr. Larry Johnston:** Yes. Admittedly, there were several processes gone over last week, and it's easy to get lost in terms of which one is which. I can do it as easily as anybody else as well.

**The Chair (Mr. Garfield Dunlop):** So we've come back to the three examples of the types of bills, and now we're discussing votes. Okay.

**Mr. Bas Balkissoon:** Chair, just one question for clarification, because I think that's where I was confused a little. So the vetting process we've heard in Alberta is more the scheduling process; things get dropped off because there's no more room to debate it.

**Mr. Larry Johnston:** There's a very preliminary vetting process in Alberta, if you like. The bill is examined by the Speaker and parliamentary counsel with respect to whether it violates the prerogatives of the crown. There were two items there.

1240

**Mr. Bas Balkissoon:** So that's similar to here, then.

**Mr. Larry Johnston:** It's similar to here but it's done formally, as opposed to informally here.

**Mr. Bas Balkissoon:** Okay; all right. And the Scotland process that makes it somewhat of a vetting process is that the idea is presented and then it works its way through.

**Mr. Larry Johnston:** It's an extensive examination of the proposal and any public consultation and other steps that are required, culminating in an indication of cross-party support that then entitles the member to introduce a bill with respect to the final proposal.

**Mr. Bas Balkissoon:** This might be a wrong question, but maybe, in your opinion, the Scotland process would—does it have an experience of leading eventually to legislative changes that do occur versus what we do here?

**Mr. Larry Johnston:** Well, I leave it to members to judge from the list of bills that I've provided in table 3, I believe. Have a look at the three bills that we've provided you with, if you like, and I'll come back to Mr. Clark's question about motions, if I might, in a second.

**Mr. Steve Clark:** Sure.

**Mr. Larry Johnston:** If you look at the three Scottish bills—Bill 10, which is the Disabled Persons' Parking Places Act; Bill 15, the Breastfeeding etc. (Scotland) bill; and Bill 55, the Dog Fouling (Scotland) bill—these are three pieces of private members' legislation from Scotland.

In addition, we have provided with each bill one of the accompanying documents. So with the disabled persons' parking act, we've provided the delegated powers memorandum, in which the member is required to indicate where regulations would be required under the act and details of those requirements. With the Breastfeeding etc. (Scotland) bill, we've provided a copy of the financial memorandum, which was attached to the bill, as well as the presiding officer's statement on legislative competence. With the last act, the dog fouling bill, we've attached a copy of the policy memorandum that was required as well.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I walked in late so maybe I missed something here, but I'm not particularly interested about what a bill does in Scotland, Alberta or anywhere else. I'm more concerned with the process by which we deal with bills. So is this relevant to the discussion? I don't understand.

**Mr. Bas Balkissoon:** Oh, yes.

**Mr. Gilles Bisson:** Why? Explain it to me.

**Mr. Larry Johnston:** Members asked for this research to be done at the last meeting, so it was done.

**Mr. Gilles Bisson:** No, I'm missing something here. The content of the bill in Scotland doesn't explain to me what is the possible amendment to the private members' process that allows members to get private bills.

**Mr. Bas Balkissoon:** You have to go back to what's in our binders that we got last week. Add the two together and you'll see the difference between the two models.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** If I may, I mean, that's the challenge. We have a fair amount of material in front of us. Not everybody has had the chance to read it, so some of the conversation that we're having is included in the new information we've received, and then it's attached to some stuff—for example, on page 16, in the appendices, it virtually, very clearly, articulates how a private member's bill goes forward in Scotland and what is required. It's a comparison. So there's a private member's bill here, what we do, and we have some of that in the charts—

**Mr. Bas Balkissoon:** In the material today.

**Mrs. Donna H. Cansfield:** Yes, in the material you gave us today, for example, with the charts that speak to what the private members' bills do in other assemblies, whether it's priority, vetted etc.

What we need to do is to determine whether any of that is of interest to us, whether or not we want to have a conversation about changing how we manage private members' bills.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I understand all of that. I've read the binder. What I'm trying to figure out is, are you trying to tell us something by way of the content that those bills are relevant to this discussion?

**The Chair (Mr. Garfield Dunlop):** No, just examples.

**Mr. Bas Balkissoon:** Examples, and also, to me, it's whether the system leads to an end result and whether it's efficient or not.

**The Clerk of the Committee (Mr. Trevor Day):** One of the questions that came up with these processes, the early vetting and that, was, do they lead to perhaps a better quality of bill, more substantial bills? That's where research was going with the information.

**Mr. Gilles Bisson:** Okay. So we're not going to spend a lot of time on the content of the bill. We're going to start talking about process.

**The Chair (Mr. Garfield Dunlop):** No, we're not going to talk about breastfeeding and dog fouling and all that kind of thing.

**Ms. Lisa MacLeod:** I would suggest that, simply, Larry has given us examples of different pieces of legislation, with the process they've gone through. For example, with Scotland, the documentation is quite a bit different than what we put forward here. It speaks to the process by which they select their private members' bills and vote on them. I think that the work has been outstanding, and I appreciate it. It must have taken quite a long time.

**Mr. Larry Johnston:** It was fun.

**The Chair (Mr. Garfield Dunlop):** Okay. Larry, do you want to continue—

**Ms. Lisa MacLeod:** And I might actually lift one of the bills from Alberta that I just saw. Anyone want to make a guess which one it is? Election financing.

**Mr. Gilles Bisson:** Yeah, I saw that.

**The Chair (Mr. Garfield Dunlop):** Larry?

**Mr. Larry Johnston:** Mr. Clark asked about a conversation we'd had, as we were eating lunch, about motions in Scotland. I was indicating that members' business in Scotland takes place at the end of each sitting day and often deals with motions.

The Scottish Parliament guidance on motions indicates that the motions that are debated are determined by the Parliamentary Bureau. They use the following criteria to determine which motions will be selected: "Motions will (a) have an explicit local or regional dimension; or (b) raise issues of national policy in a local or regional context and have cross-party support; or (c) raise issue-commemorating anniversaries or marking national 'weeks' or special events and have cross-party support...."

In addition, it notes: "As members' business debates provide an opportunity for particular issues to be raised without a decision being taken, motions will not 'call on' anybody to undertake specific actions or to take or reverse particular decisions."

These debates take place for about 45 minutes, and there's no question put at the end.

The motions sit on the business bulletin once they're proposed by a member, and if they are required to have cross-party support, they are marked as such. Once they receive that cross-party support, they'll be marked in a different way, indicating that they've received cross-party support. Then they are eligible to be called for debate in private members' time. But in that sense, the motions, like the bills, must achieve cross-party support on the business bulletin before they may be called.

**Mr. Steve Clark:** And that's why we don't see in the Scottish Parliament the proclamation-type issues that we would see in our Parliament, because, as you say, they're dealt with during motions. But they have to have cross-party support before they get called. That's the only prerequisite, correct?

**Mr. Larry Johnston:** That's correct. After six weeks, any motions that remain that haven't been called are generally taken off the paper. Those that have the support of 30 members, with cross-party support, can stay on.

**The Chair (Mr. Garfield Dunlop):** Okay. We've got some examples here. I'm just going to open it up now to questions, and maybe comments from the Clerk. After seeing this first portion on private members' public business, any comments on it, or thoughts?

**The Clerk of the Assembly (Ms. Deborah Deller):** If I could, I think it might be helpful for the committee to kind of parse the subject out into manageable pieces. One of the things you've been talking about today, and that came up last week, was this sort of prior vetting, some kind of a prior vetting process. My personal opinion is that I would be careful about doing something like that. Currently, any member has the ability to introduce a bill, and I believe that that's fundamentally, in a parliamentary setting, something that should be the right of any member: to introduce any bill and to identify their subject matter, to proceed through the private members' process.

1250

I guess in my conversations with members, my impression is that the front end of our process is not what is of concern. In other words—and Mr. Bisson may be the exception here, because he always ends up far down on the ballot list.

**Mr. Gilles Bisson:** Finally, you admit it.

**The Chair (Mr. Garfield Dunlop):** How'd that happen?

*Interjections.*

**Mr. Gilles Bisson:** They have a lottery to see how close I'm going to be to the bottom.

**The Clerk of the Assembly (Ms. Deborah Deller):** But by and large, I think—and please jump on me if I'm wrong—members are pretty satisfied with the way the ballot list is determined. It's completely random. It's conducted by the Clerk, and it produces a list so that everyone knows where they fall on the list and dates are assigned.

I think that, as far as allowing the individual members to determine what their item of private members' public business is going to be, that is, again, one that most members are happy with. I think what happens, though, is that farther down the process in consideration of private members' business there's some dissatisfaction with a logjam that occurs, where bills that maybe most could agree have some merit get caught up in that logjam and they don't get through even the committee process.

So I think what the committee might want to do is say the front end of things for the most part works fairly well. It's once we've achieved second reading of a bill that potentially we might want to look at some alternate ways of determining how it gets to committee, how it proceeds through committee, whether there should be some kind of deadlines established in terms of how long the committee has to consider it. Maybe there's some threshold in terms of the number of members, a percentage number of members who support that piece of legislation, that's required before the bill moves forward, those kinds of things.

There is an interesting conversation, though, going on, having said all of that, about some of the things that we currently do by legislation that we don't need to do by legislation and could just as well be done by motion. The committee might want to have a sort of sidebar discussion about those kinds of things too and develop some kind of guidelines around that.

**The Chair (Mr. Garfield Dunlop):** Okay. Bas and then Lisa.

**Mr. Bas Balkissoon:** Madam Clerk, I raised one issue with you and it's still of concern to me because there are some private members' bills in the written upfront process that if you read between the lines, there is cost to the government if the government was to implement it, but the bill does not identify that and it gets past the current definition of a private member's bill in this place because people are being assisted in how to find the right word and construct it etc. If we clean up that process, I don't have a problem.

The other thing is, maybe if that's a roadblock to some members getting their bills forward—I could go back to my municipal days—instead of bringing it as legislation, it could be here as a motion and then the minister and the ministry will report back on if this is viable legislation or if it has a cost or whatever. But at least the member will have an opportunity to present the viewpoints of their constituents and it gets reviewed and researched and properly reported out.

I know many of us on the government side purposely don't write bills that will look like it will cost the government money. Sometimes when we try to at least get some discussion with our own colleagues or even a minister, we see that there's a logjam so we avoid it. But there are cases where I've seen bills get debate and I know that the bill will have a financial impact, indirect or direct, and I vote against it because the rule is you have to allow the government to govern within the budgets they have already set.

So whether we could provide the opportunity for ministries and the government to say, "Okay, this has a cost. It will not be considered today, but it'll be considered at a future date"—I have a problem with the front end.

**The Chair (Mr. Garfield Dunlop):** Okay, so—

**The Clerk of the Assembly (Ms. Deborah Deller):** Except—sorry.

**The Chair (Mr. Garfield Dunlop):** Go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** I kind of don't want to engage in a debate, except that what your problem is really, specifically, is with respect to money bills and the rules around money bills. Currently, the rules are fairly narrow. They have to either impose a tax or they have to incur a direct expenditure from the consolidated revenue fund. But if that is of concern, that may be an issue in the standing orders that you might want to look at to change anyway and make it even more specific; in other words, to address the issue that you have with money bills—

**Mr. Bas Balkissoon:** And that's why I kind of like the Scotland model because it does have something that says you have to identify that.

**The Clerk of the Assembly (Ms. Deborah Deller):** That you have to identify what the cost is of any legislation.

**Mr. Bas Balkissoon:** Right.

**The Chair (Mr. Garfield Dunlop):** Lisa, then Gilles.

**Ms. Lisa MacLeod:** Mr. Balkissoon makes some very valid points in terms of making sure that private members' motions or bills, specifically bills, don't incur additional costs. There are some rules around that. I think we would be open, on this side, in any event, to look at those with him.

I do tend to agree, however, with the Clerk. One of the big concerns I think we have is ensuring that we have substantial bills that move forward at private members' business. One of my frustrations is these proclamation bills that—of course we all support them and they make an awful lot of sense, but I wonder if it's a good use of

folks' time. That's why I look forward to talking about these motions in a different way and possibly one that doesn't eat up that private members' public business time that is scarce.

We're looking at, with 107 members—and in the event, after the next federal election, that we adopt an even greater seat count in our chamber, it's going to be even more rare to get a PMB within a calendar year. So I think it's really important that we address this now to ensure that those types of proclamations are dealt with, but then that the serious issues of the day that require legislation, whether it's because of a critic area or a parliamentary secretary area or, on the other hand, it's a local initiative that needs to be addressed—I would like to see that take more precedence and have a process by which those proclamations could be dealt with in another way.

**The Chair (Mr. Garfield Dunlop):** Gilles, then Laura, then Donna.

**Mr. Gilles Bisson:** Two things. One, I agree with the latter part of what Ms. MacLeod said, which is I think we can all agree that there could be a smarter way to deal with proclamation bills/motions, and certainly there are models there that we can speak to later.

To Mr. Balkissoon's point, I want to say I vehemently disagree. There are already limits on what a member can do in a private member's bill. We can reduce a tax, but we can't cause a new tax, so it's pretty clear.

Parliament is a really wonderful institution that has been developed over 1,000 years by all kinds of history, and within that, there has always been a recognition that the crown, at the end of the day, has that final authority. Parliament, being the government, representative of the crown, has that authority. Only they can spend money.

So to have a bill that says we call on the government to do something about anaphylactic shock, leaves it to the government, should it pass third reading, to decide how they're going to deal with that. The test of how they deal with it is subject to what the voters decide on election day.

I think to limit members' abilities to introduce bills that would never contemplate having an ability for the government to decide to spend whatever amount of money on whatever really takes away your ability to do almost everything by way of a bill, so I vehemently this oppose. I hope you're not taking it personally, but I just think that is not the problem.

**Mr. Bas Balkissoon:** No, no.

**The Chair (Mr. Garfield Dunlop):** Laura's got a question, then Donna.

**Mrs. Laura Albanese:** On that matter, with these money bills, I think what I'm interested in, and I believe Bas is as well and perhaps other government members, is creating an even, level playing field.

We're strongly encouraged, as government members, to put forward bills that—we have to be very mindful of the cost of government, aside from the rules and regulations that are there in respect to a tax. That's very important.

So again, it's about finding a way that creates a level playing field that is even for everybody, right? Maybe that could be perhaps determining the cost, asking ministries to determine a cost, and if it's a cost that it's maybe not over a certain amount—I don't know. I leave it open for discussion. Maybe we can have some creative, innovative ideas—

1300

**Mr. Bas Balkissoon:** Or we can bring back some of our bills and read them here.

**Mrs. Laura Albanese:** Yes, we can bring back some of our bills and read them.

*Interjection.*

**Mrs. Laura Albanese:** Yes, but basically that's my main concern. It's about creating something that is even for all members. I do agree with the fact that we should find a quicker way to deal with the proclamations and the motions. I think we all agree with that. Whether we do it up front before the bill is presented, or after—well, what I'm talking about has to be done before. But then again, you may get to present a bill and then it dies, it doesn't go forward, and guess why?

**The Chair (Mr. Garfield Dunlop):** Donna, you had a comment? And then Lisa, and then Jonah.

**Mrs. Donna H. Cansfield:** I guess I'm having some challenge with the understanding of what a private member's bill really is. I thought it really was a private member's bill, and that they had certain rights and obligations in order to put them forward. I appreciate that there could be a better process for proclamations or motions, and I do understand the need to identify the cost so that there's full disclosure, but I'm having some difficulty around restrictions on a private member's bill. Sorry, that sort of goes against the whole fundamental premise of democracy, of why we're here. There's that conversation that maybe needs to be placed.

I have no challenge with process, but I do have a fundamental challenge around the rights. Yes, we get—and I know it was suggested very strongly that we have consideration around cost when bills are introduced, and I know that there's "gotcha" politics. Sometimes bills are introduced to exactly do that, sorry.

*Interjection.*

**Mrs. Donna H. Cansfield:** That's right, or maybe not. I haven't thought all this through. Because sometimes you're not in government; sometimes you're in opposition. That's the politics of it. But aside from all of that, there's still the fundamental premise of the individual members' right to private member bills introduction, and the limitations—I would be interested in hearing from the Clerk—around that fundamental premise of what is the private member's bill.

**The Chair (Mr. Garfield Dunlop):** We'll go to Lisa. We've got two or three other questions. Why don't you answer that question now because it was directed to you? Then I'll go back over to Lisa. We've got three questions on this side.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm just going to go back to what I said initially, which is

that I don't actually—aside from the money provisions, and even that, I will tell you, there are a number of jurisdictions who are going exactly the opposite way of the way you're suggesting and they were relaxing the rules around money provisions for private members' business. But I believe in the right of a member to introduce a piece of legislation, any piece of legislation, as long as it conforms to the required format and rules of the House.

Again, I would be careful about going in the direction of trying to vet what kinds of legislation, or motions, even, can be introduced by private members. I think that might be doing the opposite of what you're trying to do, which is to try and expand the ability of private members to take some initiative and put forward initiatives in the House.

**The Chair (Mr. Garfield Dunlop):** Thank you. Wait, I've got three questions down here.

**Mr. Bas Balkissoon:** Chair, just put my name.

**The Chair (Mr. Garfield Dunlop):** Okay, sorry. Lisa, then Jonah.

**Ms. Lisa MacLeod:** I guess at this point—we're now into a day and a half of PMBs—I think we all recognize members should have the right to put forward whatever piece of legislation they may want. Some of us, I think, are of the opinion that there might be a better way to deal with some proclamations in a quicker and timely fashion. I think many of us acknowledge the reality that getting private members' public business into third reading or out of committee has been a challenge over the years. I think that there is an acknowledgement, particularly in tough economic times, that perhaps maybe it wouldn't—what's the word?—eliminate or put a bill out of order. But perhaps it would be a good practice to look at the financial implications of some bills. I just put that out there because I think that it's not unreasonable, but I do see the other point that we should be allowed to put whatever we want out there.

My question, I guess, for the Clerk or for the committee Chair is, how do we move forward now? I think there's sort of a general agreement on some of these terms and not agreement on other terms. I know we probably wouldn't mind, at the end of the day, having a consensus report here, because time is ticking and we do have a lot of work to do.

What is the best way for us to move forward on private members' public business at this point in time so that we can, for example, move on to the next steps? I guess that's what's becoming unclear to me. There's a lot of research on it, which has been very well, and it's shedding a lot of light. We all have our own opinions, but at some point, we're going to have to move toward recommendations and take them to our caucuses. I envisage this is going to be a very lengthy process.

**The Chair (Mr. Garfield Dunlop):** I don't think for a second it's not going to be a lengthy process. Personally, as Chair of the committee, I want everyone to have as much input as possible as far as questions and answers. If it takes a lot longer than we thought, I guess that's my fault for trying to not speed it up, but—

**Ms. Lisa MacLeod:** Oh, no, that's not what I was saying, Chair. I was just wondering how we—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** We've got a couple—okay.

**Ms. Lisa MacLeod:** That's not what I was saying. My point was effectively, what's the process? I know we've spent some time on this one, and I'm looking at a lot of work. My House leader has talked to me, as has my leader, about when we're going to be making recommendations. So if I bring a sense of urgency, it's not that I want to rush the process.

**The Chair (Mr. Garfield Dunlop):** The Clerk, first of all.

**The Clerk of the Assembly (Ms. Deborah Deller):**

Your able research officer has provided you today with a list of questions relating to private members' public bills specifically. I think what you'll find is that if you go down that list of questions and answer them, it will structure a framework for you that will allow you to move forward. It will identify the areas that you see are problematic and the areas that you see maybe aren't as problematic. If the committee can kind of work its way through some of these questions, we can then develop for you an outline with certain options about what you might consider.

If this committee is going to consult with former members in other jurisdictions, though, I would encourage you to do just that; in other words, come up with options that you want to consider for private members' public business and then not make a decision on those options until you've canvassed maybe some former members, other jurisdictions and that kind of thing. But I think this list of questions might help you construct a kind of framework.

**The Chair (Mr. Garfield Dunlop):** Okay, I want to finish the questions people have—the comments. Jonah, you were first, and then Steve.

**Mr. Jonah Schein:** Thanks. So I'm happy when the Clerk's in the room, because I've learned a lot when you're here and really happy to take your opinion on what's going on here.

You mentioned that a big issue you find is when it gets to committee and how bills are ordered there and what happens and how they come out of there. I'm curious to know about what the process is and what the problems are from your perspective, in terms of fairness, in terms of speed and so forth.

**The Chair (Mr. Garfield Dunlop):** Steve, you had a question, and then Bas.

**Mr. Steve Clark:** I just wanted to back up what I think Jonah said. The Clerk made a very good point: that we have to look at not just models that are before us but also our own existing model and look at what the frustration is. I think most of us agree that it's the bills that have the general consensus amongst the members, that those types of bills don't get the consideration.

If you go back and read what Larry has given us about Scotland, they have three stages: general principles,

details and the final consideration. We have this process that doesn't bring those consensus items to a committee and back to the Legislature. That, as far as I'm concerned, is one aspect that we have to address at this committee.

I think that would go a long way in dealing with some of the issues, regardless of whether some want vetting or some don't want vetting. That, to me, is a huge issue.

I think we have some consensus on proclamations and dealing with motions. Again, at some point, we'll have to revisit some of the criteria that other Parliaments use for their motions, because I think, at least in Scotland, they don't just deal with proclamations but also local issues.

So I go back to the Clerk's original comment: The frustration is getting a bill that has consensus to committee and then back to the Legislature for final consideration.

**The Chair (Mr. Garfield Dunlop):** Do you want to comment on that?

1310

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, some of the concerns, actually, that were raised over here with respect to money bills, if you think about how a bill goes, what the process is—in fact, financial implications of any bill, whether it's a private member's bill or a government bill, should be fully vetted when the bill reaches committee stage. That's when members should be sitting around the committee table and asking the question, "What are the financial implications of this piece of legislation?" That should happen regardless of where the bill originates. I think if you concentrate on that post-second-reading stage of private members' public bills, you might solve even the problems that you're identifying as potentially at the front end of the process.

The logjam in committee: I think what you need to do is develop some kind of mechanism by which there is a decision made about which bills go forward in the committee process and which bills will be allowed to die at the committee stage, because there isn't enough time in the day for the committees of this place to consider every single private member's bill that gets referred out to committee. So what you need to do is develop a process that is fair, that builds in some kind of criteria for determining which bills go forward, in what period of time, before a committee.

I hesitate to talk about the old days, but there used to be an almost natural selection process that occurred with respect to private members' bills, and that was when the House employed the use of committee of the whole House. After private members' business, if a bill was not referred to committee, passing second reading, it was automatically referred to committee of the whole. That's still the case. It used to be that when there was a general consensus that while the House was pleased to pass a bill at second reading stage, they weren't really interested in moving beyond that—and so the bill would always end up in committee of the whole, and the only way that it would not is if a majority agreed that it should go to a

standing committee. It was kind of a natural selection process. Everybody knew that if a bill went to standing committee, there were going to be hearings, it was going to be more fully considered and likely be reported back to the House. Everybody also knew that if the bill got referred to committee of the whole House, it was likely not going to move any further than that. That doesn't exist anymore. So I think that what you need to do is consider ways that you might build a process to determine which bills should move forward.

I've got to say one more thing—I'm sorry, I don't want to take up a lot of time. You have to keep in mind, too, that whether it's a government bill or a private member's public bill, once it is passed, it is of the same nature. In other words, it becomes a matter of public policy that affects everyone in the province. Part of the issue with passing private members' public bills into law is that they're subjected, currently, to a very restricted debate at second reading. You could argue that they are not fully vetted the way a government bill might be, in terms of debate at second reading, so you'll want to take a look at that too. You'll notice that places like Scotland and the House of Commons, for example, have put in place procedures that allow, for bills that might proceed, a longer debate period. In other words, they might be only subjected to the one-hour debate at private members' business on Thursday afternoon, but then if they're to proceed, they're subjected to further debate along the road.

**The Chair (Mr. Garfield Dunlop):** Bas, and then Donna.

**Mr. Bas Balkissoon:** Chair, I just want to make a couple of comments. The Clerk referred to this document, and I think it's great, but I would ask that committee reserve this for the next meeting so at least we have a chance to digest it.

What I'm hearing is, and I think all of us came here with the same—it's the logjam that exists in our process today that some people don't like. I think it's on all sides; I don't think it's just on one side. You can't develop a process that's new and keep some of the things you have today—which Donna mentioned, that I would say, as a committee, I hope we could deal with, is the "gotcha politics" kind of bills. You can't have your cake and eat it.

I would remind all of us that today the Liberals are in government, but tomorrow it'll be somebody else. Whoever is in government, whatever we create, you'd better like it. I would say, sitting on the government side today, I don't like the "gotcha politics" bills; I don't like the bills that force on the government some expenditures, and they don't have a chance to say yea or nay. Maybe in the minority government state that we're in today, all of these things will become law and will become government policy for the general public. I have my hesitation to see what government would look like if you would have this happening on a routine basis.

I like what the Clerk has said: Whatever we create, make sure that it's fair. I truly agree also that every

member should have an opportunity or have the right to present a bill on behalf of their constituents. Whatever the vetting process is to get to that final decision, I'm happy to listen to a solution so we can work on it. But I go back: If we have a both-sides process and an open process where everything goes to the House for a vote and it has to become law, then I would say that the home heating oil bill that was in front of the government—that would have become law, and it would have been a \$300-million loss to the government in revenues. That's why we have the logjam: so that the government can protect itself.

If you're going to remove the logjam, you have to be fair.

**The Chair (Mr. Garfield Dunlop):** I think we understand what you're getting at.

Donna and then Gilles.

**Mrs. Donna H. Cansfield:** I'd like to go back to what the Clerk was saying, and I think, actually, Lisa as well. If you look at the 26 bills, I think 13 of them were proclamation bills: awareness days, special heritage days. So you could actually look at a process that the Clerk could help to develop in terms of what should be a motion being proposed? Is it a motion, is it a proclamation or is it legislation? That's a third party, truly objective approach. It doesn't have to be vetted through—I mean, that's one opportunity. That would then limit the number of the bills that would come forward to committee, and hopefully, that would then allow the process to work through committee.

I share with you one of the challenges that I see. I think good bills come from all sorts of different political parties; no one has ownership on them. What happens is that they end up getting played off at the end of the year, "You pass this, I'll pass that" kind of stuff. It drives me nuts. Some really good piece of legislation gets lost because we're playing those kinds of politics. If there is a process that we could put in place that legitimately looks at those bills, then at least you don't end up going to your community and saying, "Look, I can put in a private member's bill, but has it got a hope in hell of passing?" It will never get through to the committee where it will get on any agenda because it's going to get played with in the politics of the governments of the day—on all sides. That demeans the process for me and the legitimacy around private member's bills.

I think that we could look at that process, which is about the logjam that you're looking at. I think the Clerk and the Clerk's department can play a very critical role in helping us to definitively take out the proclamation kinds of things, look at what could be a motion and what is legitimate—that conforms to the rules around the money, the whatever and the whatever.

What I was going to propose is that maybe that could have some discussion somewhere, and we could come back and put that on an agenda for another day down the road.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles, and then I'm going to ask Larry to go over—Gilles, I'll ask you, and then I want to go to Larry for a moment.

**Mr. Gilles Bisson:** Yeah, if you want to go there first, I'm fine.

**The Chair (Mr. Garfield Dunlop):** No, I just thought, Larry has prepared this. We're not asking everyone to make a decision on it today, but—

**Mr. Gilles Bisson:** Well, that's where I was going, Chair, if you let me.

**The Chair (Mr. Garfield Dunlop):** Okay. Go ahead.

**Mr. Gilles Bisson:** I hear all of the arguments. I don't agree with most of what's being said here, and I don't mean that in a partisan way. I think the issue is—

**Mr. Bas Balkissoon:** We're here to disagree.

**Mr. Gilles Bisson:** No, no, the issue is that you must maintain the ability for members to introduce bills, and he or she should be able to introduce whatever bill they want as long as it conforms to the rules, including the way that we do it now. For example, Mr. Levac put forward a bill on anaphylactic shock. There's a cost to the government for that. It's up to the government to figure out how they're going to do that or vote it down on third reading. So there are mechanisms to deal with that.

What I was going to suggest to my good friend Mr. Larry Johnston is exactly where the Chair was going. I think what's useful is, let's find out what we agree on collectively and what we have grey areas on or disagree on so that we can start focusing this conversation a bit more.

**The Chair (Mr. Garfield Dunlop):** Madam Clerk, and then Lisa.

1320

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess one of the things that I'm suggesting is that you develop a process for the committee-stage consideration of private members' public bills. I firmly believe that it is still in the interests of the House to ensure that with respect to third reading, it is the government's prerogative to call legislation for third reading.

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** That may be the case, but what I'm suggesting is that just because you're developing a process that bills actually would get considered in committee, it doesn't bind the hands of the government, ultimately—necessarily.

**Mr. Bas Balkissoon:** That's not what I heard from the other side.

**Mr. Gilles Bisson:** Listen, the government, at the end of the day, must govern. The only one who can move a bill in the House and the only one who can expend money is the one who's sitting on your side of the House. You need to maintain that principle throughout this.

**Mr. Bas Balkissoon:** But what I'm hearing from you is, you don't want the government to do it that way. You want to see a vote in the House—

**Mr. Gilles Bisson:** No, that's not what I'm saying.

**Mr. Bas Balkissoon:** —unless I'm wrong, because I heard you say that the government can vote it down. When you say the government can vote it down, it means that the government has to put it to a vote. I'm listening carefully to what you're saying.

**Mr. Gilles Bisson:** Let's go through the legislative thing, and I think it will answer all the questions.

**The Chair (Mr. Garfield Dunlop):** Okay, ladies and gentlemen, let's take a look at Larry's research paper here, and possible follow-up questions. We're not asking anybody to vote on this today. We're asking them to possibly look at some of these alternatives.

Oh, yes, Lisa had a—

**Ms. Lisa MacLeod:** Just a point of clarification. This document here, Larry—just for clarification, for me. This documentation of 12 questions, very well thought out, would form the basis of committee recommendations, after we answer them, that we would vote on? Is that the notion that is before us?

**Mr. Larry Johnston:** I see this as a process to identify those areas in which the committee would like to consider further, not necessarily at the recommendation stage. These are ideas that the committee has an interest in and would like either further research or further time to contemplate or to receive proposals on, or, if it travels anywhere, to go out and see, "Okay, what's done here? How does that factor into what we're interested in?"

**Ms. Lisa MacLeod:** Okay, I see. Thank you.

**Mr. Larry Johnston:** Basically, these are some ideas that came out of the discussion we had last week about the process in other jurisdictions.

**Ms. Lisa MacLeod:** That's what I was wondering. From our Hansard today and from last week, it appears we haven't quite made a recommendation, but I think that there is sort of a general area where we're interested, and this is how the process is flowing internally.

**Mr. Larry Johnston:** It's structured in terms of trying to go through the process from the beginning to the end. If members have no interest in a particular idea, that will be useful, because we can then take it off the list.

**The Chair (Mr. Garfield Dunlop):** Let's do one section at a time, and at the end of the section we'll take questions, okay? Larry, go ahead.

**Mr. Larry Johnston:** The first is actually "General considerations and enhancing the quality of private members' bills." As I say here, "Without compromising any private member's right to introduce bills, does the committee have any further interest in"—the first point is "limiting the number of bills ... a member may have in progress at any point in time," which is done in several jurisdictions, and that, I guess, helps prevent the logjam later. But if the committee has no interest in that, then we can move on.

**Mr. Gilles Bisson:** Not for me.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Are you asking—

**Mr. Gilles Bisson:** Because you only get to debate one of them, so if you want to introduce 10, then introduce 10. I don't care.

**The Chair (Mr. Garfield Dunlop):** So, what are you saying? Limiting the number of bills, but not motions, a member may have in progress at any one time?

**Ms. Lisa MacLeod:** Yeah, we already have a process in place that allows us only—on our ballot, we're only

allowed to do one. For example, I know our colleague Randy Hillier has about six on the order paper now. I think that's fine. I think it's him expressing his rights.

**Mr. Gilles Bisson:** Yeah, we all agree.

**Ms. Lisa MacLeod:** Yeah, I think we're agreed.

**The Chair (Mr. Garfield Dunlop):** Okay. I'm hearing "no" on that one.

**Mr. Larry Johnston:** Number 2, "reviewing bills prior to their introduction for any purpose," such as considering "whether a bill might more properly be a private bill or a motion; to identify bills which, if they receive second reading, could be set down for third reading; to make recommendations on programming a bill."

**Mrs. Donna H. Cansfield:** Chair?

**The Chair (Mr. Garfield Dunlop):** Yes, go ahead, Donna.

**Mrs. Donna H. Cansfield:** There's a whole bunch of discussion that I think needs to go on in another place first, to be honest with you. I'd like to talk to some folks about some of the proposals. For example, can you set out proclamations and motions, and what would be the rigour around how the Clerk might determine—that kind of thing, as opposed to ticking off, "I agree," "I disagree"—

**The Chair (Mr. Garfield Dunlop):** This is not binding at all. It's just: What are your thoughts on this today?

**Mrs. Donna H. Cansfield:** I thought you were actually asking the question.

**Mr. Larry Johnston:** What I'm hearing from you is that you have interest in having this considered further.

**Mrs. Donna H. Cansfield:** Oh, further discussion. Okay.

**Mr. Larry Johnston:** That's all that this is.

**The Chair (Mr. Garfield Dunlop):** Gilles.

**Mr. Gilles Bisson:** So you mixed a whole bunch of issues on point 2, which makes it a little bit difficult to say no or yes.

Reviewing bills prior to their introduction: Well, that's already done by the legislative counsel. You can only introduce a bill if it's in order, so we're kind of doing that. Mr. Balkissoon's point: He wants to be able to limit what you can do with a money bill. As long as it meets the current test—this is just my view—the member should be allowed to introduce a bill.

**Mr. Bas Balkissoon:** No. I think part 2 is more whether it's a motion or a bill, and then we separate out motions and proclamations.

**Mr. Gilles Bisson:** That's my point. Legislative counsel, when you sit down with them, will tell you what your options are, and if I decide I want it as a motion, it's probably because I don't want it going to committee, right? If I want it as a bill, it's because I want time in committee. So my point is that it's a member's choice. Once the bill is drafted, I think what we want to maintain is that members should have the full choice to decide if they want the item to stand as a bill or stand as a motion. There are reasons why you do both. To that part, I would say I have no interest in that.

To identify which bills receive second reading: No, I don't think—that should strictly be the ballot item, as far as I'm concerned. A member gets chosen a ballot; your ballot comes up; you do whatever bill you want to do. That's my view.

**Mr. Larry Johnston:** But that's not what—

**Mr. Gilles Bisson:** Well, that's what I said. To identify bills if they receive second reading.

**Mr. Larry Johnston:** No, it would "identify bills which, if they receive second reading, could be set down for third reading." So if it was a proclamation-type bill, then you could decide—

**Mr. Gilles Bisson:** Okay, I was reading it as once sentence.

**Mr. Larry Johnston:** —if this bill isn't amended at second reading, there's no reason why it needs to—

**Mr. Gilles Bisson:** That kind of gets me to the last point, and that's why I was saying we're mixing a few things. So the programming of the bill essentially is what this speaks to, and I think there is a need for this committee to look at, if a bill makes it past second reading, what is a mechanism by which we deal with the bill after that? I think there needs to be some way of prioritizing bills so that we can determine if they're ever going to get the light of day in committee. I think you need to have some sort of process to deal with that.

My preference would be there would be a representative from each party on some kind of a committee, and then there would be some sort of discussion about, "Okay, you represent a certain percentage of the House, a certain percentage, a certain percentage." Then it's up to each caucus to decide—

**Interjection:** No, no.

**Mr. Gilles Bisson:** Listen, you can shake your head and disagree. I'm putting this on the table.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Okay, guys, we're not going anywhere here. Let's let Larry go through each section. We'll do the first five and then we'll ask questions at the end.

**Mr. Larry Johnston:** What I'm hearing is that there is interest in further discussion of number 2.

**Mr. Gilles Bisson:** We don't disagree on the mechanism but we disagree on the discussion.

**Mr. Larry Johnston:** Okay. Number 3: Are members at all interested in requiring bills to have accompanying documents of any kind?

**Mr. Gilles Bisson:** No. Not me.

**Mr. Bas Balkissoon:** It depends on what process we adopt. Because if you look at the Scotland model, it has documents. If you look at the Alberta model and the Ontario model, it has no documents.

**The Chair (Mr. Garfield Dunlop):** Can we say there's some interest in this?

**Mr. Bas Balkissoon:** Yes.

**The Chair (Mr. Garfield Dunlop):** Okay. Number 4.

**Mr. Larry Johnston:** "Allowing members to endorse a bill during the period between its introduction and the call of the motion for second reading."

**Mr. Gilles Bisson:** For the record, I don't have any interest, I just want you to know, to have documents on the bill. Sorry, Chair.

**Mr. Larry Johnston:** Number 4: "Allowing members to endorse a bill during the period between its introduction"—

**Mr. Bas Balkissoon:** That would go back again to tie it whether we endorse the Scotland model, so that would have to say—

**Mr. Larry Johnston:** It doesn't necessarily mean adopting the Scottish model, where endorsements are a trigger for introducing a bill. It could be just an indication of cross-party support, as I think happens in Ottawa, but I'm not going to say definitively.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm sorry if I'm wrong on this, but my feeling on what this deals with is co-sponsorship of bills and freeing it up a little bit so that you're not limited to the three co-sponsors or the up-to-three co-sponsors at the introduction stage; that, in the process of considering a bill, co-sponsors can be added on or taken off—

**Mr. Bas Balkissoon:** —if you look at our experience, co-sponsoring has only been successful in the proclamations and—

**The Clerk of the Assembly (Ms. Deborah Deller):** And I'm not—

**Mr. Bas Balkissoon:** So if we move proclamations away, I don't think we need co-sponsorships.

1330

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm not trying to engage in a discussion about the merits of it; I'm just saying I think that's what this one's about.

**Mr. Steve Clark:** I do think we have to have some discussion on it, because I certainly favour that it doesn't have to happen for introduction. But I think if it's going to move forward in the process, you're going to need it. So I would say yes, personally.

**Mr. Larry Johnston:** We can provide some further information on that.

Finally, in this section, making cross-party support for a bill a condition, either for its introduction, for its progress or for fast-tracking its progress.

**Ms. Lisa MacLeod:** Not at all.

**Mr. Larry Johnston:** Again, I only bring it up because a previous report of this committee recommended that fast-tracking on the basis of—

**Ms. Lisa MacLeod:** The only problem with that—well, there are a number of problems, but if we're going to be truly private members' business, we can't introduce partisan fast-tracking.

Look, I have a quick question, and it's only because this has been raised not by my House leader, but others. Is there a way, as we proceed through this, that we can actually—and I mentioned this, I think, in the first meeting, and we do have a bit of a work plan. But is it possible for us to have—this is something we would have done in government agencies and in public accounts—a time frame for when we expect to have our report-writing

done, how much time we would allot to each initiative and when we would see follow-up recommendations?

That would really help me along the process, because I'm a little nervous that we're not going to meet the deadline of the House, and I'm very concerned that we might get bogged down on certain elements without putting anything forward, even in an interim report, before the House rises in a few weeks.

I'm wondering if there's any interest in that. But I'd like to see something like that, and if possible, I will move a motion.

**The Chair (Mr. Garfield Dunlop):** Well, what Lisa is basically asking for is some kind of a report to the House, an interim report. Are you asking to get this all finished by a certain date?

**Ms. Lisa MacLeod:** No.

**The Chair (Mr. Garfield Dunlop):** What are you asking?

**Ms. Lisa MacLeod:** This committee dissolves when the House sits again in the fall, in September. So with that in mind, we do have time constraints, and I concur with my colleague Ms. Cansfield that I would like to do a good job. We've got a number of things that we have to do. I'm not frustrated with the process, but I'm a little concerned.

One is, we know that there is a possibility that we would like to have public hearings. We would like to talk to perhaps some former members, maybe parliamentarians from elsewhere. There is potential for us to visit some other assemblies, which would probably be a good idea while we're doing this type of work. We do have to do our own study, which is what we're doing now, and also come out with our own recommendations to guide the process and what we want to see. I would like us to have a time frame.

If we have to go back to the House—and Mr. Bisson and I were the only two who had the benefit of sitting in the parliamentary liaison working group yesterday. I think that there was agreement around the table that if we're not finished, the House leaders will re-strike this committee in September so we can finish our work.

But I would hate for us to lose this opportunity. I'm just not clear that we're focused yet, and I just would like to know what the steps are.

**Interjection:** That's what we're trying to do here.

**Ms. Lisa MacLeod:** Well, you know what? You can say that this is what we're doing, but I'd like to at least have a work plan in place that would say, "Okay, this is designated travel time, this is designated public hearing time," so that there are always goals. And when we meet those goals, we meet those targets, then we move on.

If we need to amend it, I'm totally cool with that; I think that that's fine. I'm just nervous that we have a lot of work in front of us. I understand that this is focusing us, but I don't know what the next steps are.

**The Chair (Mr. Garfield Dunlop):** Well, I think, right off the bat, if we're going into the kind of detail that I'm seeing so far in the first five or six weeks, then I think the timelines are completely unrealistic to do the

magnitude of this work. To have it done by June or for September—I don't think it's possible. I don't think there's a chance in the world it'll happen unless we just skim over everything quickly.

**Ms. Lisa MacLeod:** If that is the view of the committee, I would make a recommendation that we inform our House leaders of that so that we can put the appropriate motion before the assembly as soon as possible to let us do our work.

Let me be very clear: I thought when I was first assigned to this committee that this could be something like a four-week process. But I must say, after having sat down here and gotten involved in this, I think this could take about nine months, if not longer, if we truly want to do that well.

The problem we now have is, everyone in this committee is involved with this process—we're enjoying it; we're learning an awful lot. But what's happening is, I think that we have to manage the expectations of our colleagues and our caucuses, who actually think we're going to be able to whip up some changes to the standing orders in the next week or two. I'm certainly getting that from our end. I don't know, from the others, if that's what they're sensing. If that's not the case, I'd just say that we'll be very clear about that. I, for one, agree with everybody that we'd like to do this, and we'd like to do it well, but we do have a motion before the assembly at this present time that does constrain us.

**The Chair (Mr. Garfield Dunlop):** Donna, do you have a comment?

**Mrs. Donna H. Cansfield:** I appreciate and I understand the issue of being able to report back and that you've got some pressure from your colleagues. But if you go back and you look at this reasonably, I think that it was done in 1980-something and then again in 2002. We're not going to do this in four weeks or six weeks or eight weeks. We're going to do this and take the appropriate time—recognizing that, right now, the configuration is this, tomorrow it might be that, or it might be something else—so that it's a balanced and fair report that is very representative of the House and rules and procedures, not of a particular partisan perspective. At least, that's what I'm hoping that we're planning to do. That's why, for me, it's really important to have the discussion as to what role the Clerk can play—this interaction.

So if the motion means, "Go back to the House. We need some more time to do our jobs thoroughly and well," I have no problem at all. But if it was to go back and say, "You've got four weeks, honey, and you've got to present us with something," then I certainly do think that's a disservice to our colleagues.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles, and then Steve.

**Mr. Gilles Bisson:** I'm not going to belabour the point, but there already is a quasi-understanding amongst the House leaders that in fact we're going to do what Mrs. MacLeod has asked for. I think we all recognize around the table that we're not going to be able to get a

finished product on the entire standing orders by September 1 or August 31. So I think we're all on the same page.

I understand the frustration that Mrs. MacLeod is putting forward. It's just like, if we can have some sort of timeline as far as, "Okay, we're going to look at private members'. This is what we're doing for the next little while. There are going to be hearings on these particular dates," I don't think that's a bad idea. We don't have to have the full debate now, but maybe the Clerk can turn their attention to that. I think it would be helpful, just so we can structure ourselves a bit.

**Mrs. Donna H. Cansfield:** If I may, on that—because there was a discussion about travel.

**Mr. Gilles Bisson:** Well, that'll be in the summer, right?

**Mrs. Donna H. Cansfield:** Okay. Well—

**Mr. Gilles Bisson:** We don't have to even talk about that right now. I think the point is, do we want to travel? We can talk about that later. I don't want to have that full conversation now, because I don't know what I want to travel to see yet, to be blunt.

**Mrs. Donna H. Cansfield:** Yes, exactly.

**Mr. Gilles Bisson:** But to finish my point, I'm supportive of what my colleague has said.

I have a question to Larry in regard to point 4, under your first heading, and maybe it's because I went through it a little bit too quickly. I partly agree with what you're saying here in point 4, that there may be a way forward in what we do after second reading. All I was trying to indicate—I don't want some kind of a process that would vet who gets to second reading. I think second reading, we could all agree, is a ballot, and whatever bill the member wants to bring is up to them. I think the issue is, if there's a way of looking at how we can deal with after second reading, if there's some mechanism that weights bills in some way—I take it that this is what this is speaking to—I'd like to see what's possible. I don't know which one I like or dislike.

**The Chair (Mr. Garfield Dunlop):** Do you want to answer that? Then I've got to go back to Steve and Deb.

**Mr. Steve Clark:** Yes, let him answer.

**Mr. Larry Johnston:** The first five things are only offered as possible means to address the problem later that I hear the committee is—

**Mr. Gilles Bisson:** Yeah. No, I hear you.

**Mr. Larry Johnston:** Otherwise, there's no reason to consider them.

**The Chair (Mr. Garfield Dunlop):** Deb, did you have a comment, to go back to that, first of all? Because I was going to go to Steve if you didn't.

**Ms. Deborah Deller:** Can I just say—only one thing about timetabling. What you want to do is maximize your consultations too. If you're going to have people before you, or go and look at other jurisdictions, you want to make sure that you've had a full discussion about all of those areas of the standing orders before you go, so that you can ask not just questions about private members' business but private members' business committees, question period—

**Mr. Gilles Bisson:** Opposition days, whatever.

**Ms. Deborah Deller:** Yeah, so that you're—  
*Interjection.*

**The Chair (Mr. Garfield Dunlop):** All right. Steve?

**Mr. Steve Clark:** I think it goes back to the discussion we've just had around the table. The issue the member from Nepean-Carleton talked about is the fact that we have a motion on the books that disbands this committee once September comes. At the rate we're going, we're never going to have that level of detailed discussion so that we'll have a report put forward. So I think we need to have that extension, but we also need to have a work plan where we can actually be able to report something to the committee on where we're going to travel, who we're going to see and what parameters we're going to talk about. But we need to have that clarity.

1340

I agree with her in terms of a motion. We need to have some consensus today to move forward. I want to do the level of detail that Ms. Cansfield talked about.

**The Chair (Mr. Garfield Dunlop):** Just to inform you, we have written to all the House leaders asking them for it, so we can sit over the summer. We haven't had a response back yet.

Okay, go ahead.

**Mrs. Donna H. Cansfield:** Again, I agree. I don't have a problem. My difficulty is that you want to put together a work plan on things we haven't even talked about. I don't know if I want to, in a time of constraint, travel. To where and for what reason? Yet you're going to put travel. It's the same as, "How much time do we want to allot to witnesses?" Good point. I don't know, but we haven't talked about that. So how do you develop a work plan on things you haven't even discussed?

I'm happy to have a work plan once those discussions take place. Whether you do it at a subcommittee is fine with me, but I don't think we can move forward on a work plan and ask the Chair to put that together without having at least some consensus that we're prepared to travel and where we want to go. Do you want to go to Scotland?

**The Chair (Mr. Garfield Dunlop):** Lisa.

**Ms. Lisa MacLeod:** Well, if I could just answer that. I don't think that we will prescribe every step, but I think that—and maybe "work plan" isn't the appropriate term; maybe it's a time line. I think we're going to have to go back to our colleagues and House leaders with a degree of credibility that says, "This work that you've expected us to do by" whatever the date is, September 1 or 14, "won't be completed, and this is why."

I think we know now that there are some places of interest that we would like to consult, whether they come here or we go there; or, consequently, is it previous members that we want to bring in for hearings? Are there some parliamentary experts? I think we know that if we had public hearings here, it probably wouldn't take over a week, but it will be good if we could designate it.

My point is simply this: The summer will be coming. I think we had a conversation yesterday that would

indicate there will be an ability for us to sit over the summer. I know that they're going to give us the ability to sit over the coming constituency week, so long as it's requested by the committee, and that will help us. But again, we do have a real issue with what has been decided in the House with committee being disbanded.

Myself and Mr. Bisson were there when there did seem to be agreement that if we needed to extend our time, we could, but I think if we're going to do that, we should probably let them know at this point in time that completion will be very difficult—again, just simply setting out a time line that can manage our colleagues' expectations on what we're trying to achieve.

When we hear that there have been year-long processes in place to actually deal with the standing orders to ensure that any standing order changes will be efficient in the House and will work, it's going to be very important for us to be able to do the same; I don't discount that. I fully admit that when we first entered into this, I thought it would be much easier than it would be, and now I know it's far more complicated. But we do have a real challenge before us because the House has decided we will be extinct the first day we are back here.

**The Chair (Mr. Garfield Dunlop):** Okay. We've heard a lot of comments. Larry, do you want to just continue on, then?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** I'm sorry. Madam Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just offer something up? This has been a very good process, first of all, and I would hope that you don't get discouraged by how this committee is conducting itself with the length of time, because this is exactly the kind of process that really good committee considerations of standing order reviews have dealt with. So I'm heartened to see this process taking place and for an acknowledgement that this is not a quick exercise.

But if it would be of assistance, what we can do as your clerks' team and with research is, now that we've listened to you talk about private members' business for a couple of meetings and we have gleaned from those discussions the concerns that you have and some potential areas that you might be interested in looking at, we can now go away—I think we can probably answer a lot of these questions—and put together some verbiage for you to look at, which outlines what you think the issues are, and then has, for your consideration, a variety of different options so that you can then say, "Okay, that's that chapter. We'll make the decisions on that at the end of this process, but these are the things we want to consider now." We're quite happy to go away and do that as long as you understand that we're not trying to put words in your mouth or make the decisions for you. We're just giving you something for your consideration; anything can be eliminated or added to that document. Does that make sense? And then that allows you to move forward to the next item, which I think is committees, and now put this discussion of private members' business to one side.

**Mrs. Donna H. Cansfield:** I think that's an excellent suggestion, Chair, and I would endorse that. It would give us something, and then out of that we can then have discussions about what witnesses we might wish to call and if we've got slates that we'd like to present and such. So I would concur with the Clerk. And I don't think you need a vote. I think it's just good sense to move forward on it.

**The Chair (Mr. Garfield Dunlop):** Okay. Are you clear on that, exactly?

**The Clerk of the Committee (Mr. Trevor Day):** If I'm hearing the committee correctly, on private members' public business, again, we will move away, look at the discussions—what the Clerk has said—that have taken place, and attempt to draft options for you, so that you will have something substantial and you can then look at different options.

**The Chair (Mr. Garfield Dunlop):** Okay, we'll come back. But just so I'm clear on this too: We're going to take in the considerations we've had with the vetting in other jurisdictions along with the ideas on the financial implications as well? That will all be part of it?

**The Clerk of the Assembly (Ms. Deborah Deller):** What we'll do is put together something for you to look at that will have the verbiage leading into it that highlights what the concerns are that have been discussed here, and then put together certain options that the committee might want to consider for all of those areas.

We have had the advantage of being here and listening to you in this discussion, which we don't often have, and we have determined where some of the areas of concern are. We might be wrong, so if we're wrong, just—

**The Chair (Mr. Garfield Dunlop):** Okay.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** All right, though. Hold on a second. I just want to make sure we're clear, because we've got a lot of sections to cover. We're on section 8 right now?

**The Clerk of the Assembly (Ms. Deborah Deller):** That's right.

**The Chair (Mr. Garfield Dunlop):** Okay, and we've got everything else to cover, the committees and all those things. Can we do the same for everything? I don't know, because—

**The Clerk of the Assembly (Ms. Deborah Deller):** I think, if that's what the committee would like, and if it works for you, then yes. I think having this kind of a discussion now on the next subject, which is committees, helps us to understand better what your areas of concern are, and then we can try and do the same thing.

**Mr. Bas Balkissoon:** Mr. Chair, we went through—

**The Chair (Mr. Garfield Dunlop):** We haven't gotten through that part yet.

**Mr. Bas Balkissoon:** We went through the priorities, so we'll just take the next top one and attack it.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, so if we look at the next one that we're looking for next week, which is committees, we have a list of preliminary questions. It's not tying you to anything, but it

gives us an idea as to where we might go with committees so we can get ready for that meeting. I'm going to hand these out, and if we can just go through them we can get an idea as to what you might be interested in for the next meeting.

**The Chair (Mr. Garfield Dunlop):** Okay, but before you hand those out, I just want to make sure I'm clear: Larry is not finished with the report he had here.

**Mr. Larry Johnston:** Apparently, I am.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Pardon?

**The Clerk of the Assembly (Ms. Deborah Deller):** I mean, we'll go away now and take the discussions we've heard on the private members' public business, along with Larry and—

**Mrs. Donna H. Cansfield:** May I, Chair? I think you're correct. We got to the first page. We didn't do pages 3 or 4. Is what you're asking.

**The Chair (Mr. Garfield Dunlop):** Yes.

**Mrs. Donna H. Cansfield:** Is there anything that jumps off the page on pages 3 or 4 from the members that would be helpful in the discussions coming back to us next week?

**Ms. Lisa MacLeod:** Why don't we just finish this?

**The Chair (Mr. Garfield Dunlop):** Just go over it quickly, if you don't mind, Madam Clerk, and then we can—

**Mr. Larry Johnston:** There's no problem with number 6, right, the ballot conducted to determine the order for consideration? I think I've heard that members are happy with that.

**Mr. Gilles Bisson:** I want to maintain that the ballot is the one that drives it. Is that what you're suggesting?

1350

**Mr. Larry Johnston:** Yes. I've also not heard committee members talk about the time allotted for debate, but the Clerk made a good point about considering how much time second reading debate occupies. Whether the committee wants to consider that in—

**Ms. Lisa MacLeod:** We had mentioned that previously—I know I had—that we might want to have an opportunity for certain pieces of legislation. I like what they do federally—I mean, if you look at what they did with the gun registry, where it had significant debate after it came out of committee. We might want to consider that.

**Mr. Larry Johnston:** Okay. We can come back to that, then.

So on page 3, basically a question for referral after second reading: "Do committee members have an interest in considering any of the following alternatives to the current practice:

"(8a) consideration in a Committee of the Whole House?

"(8b) consideration in a committee mandated to consider private members' bills?

"(8c) consideration by a legislation committee struck for the purposes of reviewing a particular bill?"

**Mr. Gilles Bisson:** I just would ask the Clerk to turn her mind to (8b). If you did go to one particular committee to deal with private members' bills, it seems to me that that would limit the ability to have a committee deal—there might be less bills dealt with. So, turn your mind to—we don't want to have a situation where we end up limiting or reducing the ability of a member in getting their bill heard.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Larry Johnston:** I guess the thought there was that that might be the only business that committee deals with—

**Mr. Gilles Bisson:** No, I understand—but depending on how it's ordered up in committee, right? I'm just asking them to think that through. I don't want to get into debate today. Just think it through.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Larry Johnston:** Since I just mentioned the legislation committee again, I'm going to take the liberty just to note the note of clarification on legislation committees in Ottawa at the bottom of the page.

*Interjection.*

**Mr. Larry Johnston:** If you'd read that carefully, I think I misdirected the committee last week in answer to a question, so just to clarify that. The use of legislation committees in Ottawa remains optional, and most bills do in fact go to a standing committee. The McGrath report actually recommended that all bills go to legislation committees, and that was not followed. So just to clarify, for the record.

Post-second reading stages: "Does the committee have any interest in prescribing for these stages:

"(9a) deadlines when each stage must begin (or be completed)?

"(9b) limits on the debate at each stage?"

**Mr. Gilles Bisson:** Yes, I think we need to look at that.

**Mr. Larry Johnston:** Okay.

"Does the committee have any interest in the use of programming motions:

"(10a) for all private members' bills?

"(10b) for some private members' bills?"

**Mr. Bas Balkissoon:** Just the proclamation ones.

*Interjections.*

**Mr. Gilles Bisson:** But there's also the issue that the Clerk raises, that more substantive bills may be on a different track as far as a bit more debate. I think we need to look at that.

**Mr. Larry Johnston:** Okay. Number 11: "Does the committee have any interest in considering how the post-second reading stages of private members' bills might be conducted during the time established for private members' public business?"

In my other Parliaments, private members' business time doesn't just include second reading; it includes the third reading and even the committee stages.

**Mr. Gilles Bisson:** The only difficulty is that by the time you go through all of the ballots, it takes fairly long to get there. If we end up using the time to re-deal with a

bill—does that mean actually doing Committee of the Whole for a private member's bill? Is that what you're getting at?

**Mr. Larry Johnston:** No. I'm just suggesting that there's a certain time set aside on the weekly calendar for private members' business, and that's where you also would put in your third reading stage or your committee stage—

**Mr. Gilles Bisson:** Oh, I see what you're getting at. Sorry. I thought you meant something else.

**Mr. Larry Johnston:** Rather than calling it during orders of the day.

**Mr. Gilles Bisson:** Yeah, and I think if it's a way of being able to deal with allowing members to bring their bills to the next stage that have passed the test, that have gone through committee, I think we can look at that.

**Mr. Larry Johnston:** That raises question 12, which is: "Does the committee have any interest in considering ordering post-second reading stages by giving priority to bills that are furthest along in the legislative process"? What that means is that bills that are ordered for third reading would take precedence over bills that are at report stage, which would take—

**Mr. Gilles Bisson:** Then you would never get your second reading bills.

**Mr. Bas Balkissoon:** No. That's not fair.

**Mr. Larry Johnston:** All right. Okay, no interest in that.

**Mr. Gilles Bisson:** Unless there was another way of morphing it, right? I think the principle that we all agree on is that members should get their ballot spot, and if there's some way of dealing with third reading outside of the government's—

**The Clerk of the Assembly (Ms. Deborah Deller):** What you might want to consider is having a report stage debate.

**Mr. Gilles Bisson:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** Something between the second reading and committee consideration and third reading, for private members' bills.

**Mr. Gilles Bisson:** That makes sense.

**The Chair (Mr. Garfield Dunlop):** Okay, so if I can sort of make a summary here: You have some thoughts here from the committee. You're going to come back with another report basically with the verbiage that would indicate the actual wording we could look at. Would that be the wording that we would actually see in the standing order?

**The Clerk of the Assembly (Ms. Deborah Deller):** I think what we're talking about doing is putting together some verbiage for you that says, "These are the concerns," and then indicating where there might be some options for what the committee might want to consider. I'm going to suggest that you take a look at that, you leave the options there, you add others if there are some, or you take out ones that we may have put in that you're not really interested in, and then set that aside. Then, as you go through the process of consulting with other

jurisdictions and that kind of thing, you can flesh out the options a little bit more.

**The Chair (Mr. Garfield Dunlop):** As we go through each section now with committees etc., we will do the same thing.

**The Clerk of the Assembly (Ms. Deborah Deller):** If it helps the committee to just focus a little bit.

**Mrs. Donna H. Cansfield:** Excellent idea. I just wondered if it's a possibility—and I also recognize constraints—to have that information before the meeting so we can read it and digest it as opposed to trying to do it all at the meeting.

**Mr. Gilles Bisson:** Yeah, that's helpful.

**Mrs. Donna H. Cansfield:** I realize the constraints. But if it's possible to get it—even the night before would be of some help as opposed to trying to read it here.

**The Clerk of the Assembly (Ms. Deborah Deller):** If I could ask this: if we can go away now and work on the private members' public business, and then at your next meeting I think you maybe discuss committees. If it's all right with you, we'll come to that meeting, too, to listen. In the meantime, we'll work on the private members' public business, and as soon as it's ready, we will—okay?

**Mrs. Donna H. Cansfield:** That's great; thank you.

**The Chair (Mr. Garfield Dunlop):** Okay, so now what we have prepared—I hope this is fine with everyone—is some preliminary questions on the committees section.

Can everyone have a quick look at the document before you? I'll ask Larry to walk us through it. This is on the preliminary questions on the committees portion of the standing orders.

**Mr. Larry Johnston:** The hope with this document was to get some feedback from members on what their concerns and interests are with respect to committees, in part to guide research so that we can go away and come back with some reports on how committees function elsewhere, what options might be available for consideration.

The first part, A, is just some general considerations to frame the debate. Different Parliaments have a different ethos or culture with respect to the work that their committees do. We may wish to think about: What is the role of committees in the Ontario Legislature? In some places, committees are an adjunct to the House; they don't do anything except what the House delivers to them or refers to them. If you were to look at the Scottish Parliament, you would see that most of the work of Parliament is done in committees, and the House has more of a plenary role in improving or finalizing the work that has been done in committees. You can have a continuum from one end to the other.

**Mr. Gilles Bisson:** Just a quick question: You're getting at standing orders 111 and 126, that kind of stuff? Is that what you're getting at here?

**Mr. Larry Johnston:** Yeah. There are committees that have a prescribed role in the standing orders that

says, "You can do this or you can do that." Other committees await instruction from the House.

**Ms. Lisa MacLeod:** Can you tell us how the Scotland model works?

**Mr. Larry Johnston:** Why don't I put that down as an element in the report I prepare for you on committees, okay?

**Ms. Lisa MacLeod:** Sure, because I would be specifically interested in knowing—it's topical right now, and I think most people who have been part of the Select Committee on Mental Health and Addictions would agree that we're not making as much use out of those.

**1400**

**Mr. Larry Johnston:** I'll tell you one thing right off the top, and that is that the Scottish Parliament sits three days a week. Tuesday is entirely committee work. Wednesday morning is entirely committee work. The House sits from Wednesday afternoon and then Thursday morning and Thursday afternoon.

**Mr. Gilles Bisson:** So, question: I take it what you're indicating is, a lot of the genesis of legislation is actually created through committee in that model. Is that what you're getting at?

**Mr. Larry Johnston:** Most of the work at stage 1 and stage 2, which we looked at last week, is done in committee. The approval to go from stage 1 to stage 2 is made by the House, but most of the work is done in committee and reported back to the House.

**Mr. Gilles Bisson:** Well, I'm not sure I'm entirely clear, but anyway.

**Mr. Larry Johnston:** We'll come back with something for you.

"The different dynamic of policy committees versus oversight committees."

**Mr. Gilles Bisson:** What are you asking there?

**Mr. Larry Johnston:** What is the committee most interested in—the work of policy committees; the work of—so far, in terms of oversight committees, all I've heard is some concerns about the deadline for estimates, but there are other issues. I think there was a suggestion that pre-budget consultations should be put into the standing orders for the Standing Committee on Finance and Economic Affairs.

Does the committee have concerns on both areas, or is it mainly concerned about policy committees? When you're thinking about the committee system, you might want to think about both halves or both parts of the committee system. Don't just think about the policy committees; think about the other things as well.

**Ms. Lisa MacLeod:** I think we need to look at both.

**Mr. Larry Johnston:** Just tell us what you want further research on; that would be useful. And the primary role of committees, whether it's legislative or what I would call evaluative or investigative.

**Ms. Lisa MacLeod:** Wouldn't they be more based on whether or not they're policy or oversight—what their role is?

**Mr. Larry Johnston:** That would make sense, but there's also a model that says that policy committees can

spend much more time in investigating policy issues or doing accountability issues, such as receiving annual reports from the ministries or the agencies in the area.

**Ms. Lisa MacLeod:** I see. So social policy committee could then ask the Minister of Health to provide an annual report, and they could investigate that. Is that where we're going?

**Mr. Larry Johnston:** Many annual reports are tabled in the House; they go to the Speaker. It could be set out that they were tabled to committee.

**Ms. Lisa MacLeod:** Can you add that flexibility in even if it's a legislative function, to encourage an investigative function as well?

**Mr. Larry Johnston:** I believe the idea is that in addition to considering bills, members want to spend time doing other work in committee, and this allows them to do that, rather than wait for instructions from the House. There's a set of issues that, by default, go to the committee unless the House orders otherwise. Right now, there's no committee for the Environmental Commissioner to report to; there's no committee for the IPC to report to. These are examples of how a policy committee—

**The Chair (Mr. Garfield Dunlop):** How do we get there? Why is there not a committee that the Environmental Commissioner would report to? Is that just something that we've never done?

**The Clerk of the Assembly (Ms. Deborah Deller):** Actually, we used to have a Standing Committee on the Ombudsman that was charged with—

**Mrs. Donna H. Cansfield:** I thought they reported somewhere here.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's right. It was a Standing Committee on the Ombudsman, so the Ombudsman report was referred to the committee. Where the Ombudsman had made recommendations to ministries and where it had been determined that those recommendations couldn't move forward, then there would be a committee that would consider those, or at least hear why the ministries couldn't move forward. The other thing is that it had some oversight ability with respect to the Ombudsman.

In the late 1990s, when we reduced the number of members of the House, we also reduced the number of committees of the House, and one of the committees that was eliminated was the Standing Committee on the Ombudsman, but that function for oversight of the Ombudsman actually became a part of this committee's mandate.

**Mr. Steve Clark:** But it's not mandatory, because I joined the committee last year. We were looking to do some different work. I remember contacting the Ombudsman's office, because I knew it came under this committee, and he said, "I don't have anything to talk to the committee about." I do think that you make a good point that some of those officers should have committees assigned to them so that they could make those reports, or so that we could call them on a particular issue.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think it's something that in your deliberations you might

want to consider having a committee or committees that have some function with respect to oversight of parliamentary officers. Currently the parliamentary officers are appointed, and then there is little or no accountability or connection to the Legislature. They are independent of the government, but they are still officers of the House, and there should be a reporting function to some arm of the House.

**The Chair (Mr. Garfield Dunlop):** I guess what I look at more than anything, Deb, is the huge expense that goes into all the reports the Environmental Commissioner brings forward, and the Ombudsman a number of times through the year. I'm wondering, does it just stop there? It seems to be nothing but a photo op at times—you know, a media event and then it's over with. Maybe there should be some kind of accountability there.

**Ms. Lisa MacLeod:** A reporting process.

**The Chair (Mr. Garfield Dunlop):** Yes. So why wouldn't we make that something to consider in this—

**Mrs. Laura Albanese:** How many parliamentary officers—can we delineate them? Is it only two or—

**The Clerk of the Assembly (Ms. Deborah Deller):** I think we're at eight now?

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):**

Oh, there are seven. The Chief Medical Officer of Health is sort of a hybrid. She's appointed by the House but still resides within the Ministry of Health, reporting to, I think, an ADM. So seven fully independent parliamentary officers.

**The Chair (Mr. Garfield Dunlop):** I'm sorry to drag this on, but on Steve's comment about approaching the Ombudsman last year, it looks like, under the standing orders now, we have the authority to ask him to come here. Did they refuse to come?

*Interjection.*

**Mr. Bas Balkissoon:** He probably called him directly. It should have been the Chair that wrote him a letter.

**Ms. Lisa MacLeod:** I will say this, just in the defence of the Ombudsman, who lives in Nepean–Carleton: The Ombudsman did contact me once and said that he would be happy to come to committee. So take that, Mr. Clark.

*Interjections.*

**Ms. Lisa MacLeod:** Next week, he's going to call my mother to come to committee and she's also going to decline.

**Mr. Steve Clark:** I am. I'm calling her in Nova Scotia.

**The Chair (Mr. Garfield Dunlop):** Okay, carry on, Larry. Sorry.

**Mr. Gilles Bisson:** So to your general framing consideration, one of the things that I'm interested in seeing—some of the best work this House has done is where you've had sort of pre-first-reading work done to develop a bill. It's less partisan, more thoughtful, and then you end up with a product that makes a little bit more sense. That's the kind of stuff I'm interested in, number one, and I think you're sort of touching that.

The other thing is that I think you also have to have an ability for members or caucuses, whatever way you want to do it—and I would argue probably for members—to be able to somehow get a matter before committee in order to start a discussion about a policy area that may not be being discussed out there. So Mr. Balkissoon is really interested in issue A. He has a mechanism by which to get some sort of—we have standing order 126 now, but I think we've got to think about how we do that with a lesser threshold so that you could raise issues that may not be popular and jazzy today but start the catalyst of a discussion and lead to something else. That is my second thing.

In regard to the oversight committees, I do agree that we should have—well, that's in the next part, so I won't touch on that. The oversight committees—I'll touch on that in the other part as well. Good.

**Mr. Larry Johnston:** Just to note that at the end of this document, in the last section, there is some reference to 126 issues.

**Mr. Gilles Bisson:** I saw that reference. But that's what you were getting at about the general framing. I'm just saying that what I'm interested in the clerks coming back with, if they're going to start putting a document together, is that we can start looking at various models. Those are kind of the principles that I was looking for.

**Mr. Larry Johnston:** Part B, some general questions: How many committees should there be? Again, that's where thinking about policy committees versus oversight committees might be useful. I'm not sure that you would want to expand the oversight committees, perhaps, past a committee that deals with parliamentary officers, but are three policy committees adequate? I think the suggestion was made previously that we have more committees.

**Mr. Gilles Bisson:** Yes, we need some way, it seems to me—the Clerk spoke to this and I think it's a very important point—that having members become a little bit more expert in certain policy areas so that when matters are referred to by a ministry, you have people that have sort of a larger, broader understanding of that particular policy field. I think it enhances the ability to do better work. So the idea of being able to refer—you're ministry X; you should go to that particular committee—I think is a better thing than allowing to go anywhere, because caucuses can then say, "Who's interested in health issues? All health bills go in this particular committee. Who's interested in labour issues? All labour bills go to that committee." Do you know what I'm getting at? That, to me, is intriguing.

*Interjection.*

**Mr. Gilles Bisson:** No, you can order them anywhere.

1410

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** Thank you. I don't disagree with anything that's been said. One of the questions I had, though, is that when you talk about the role of the committee and the different jurisdictions—and it was raised—if you look at Alberta, Alberta sits 21 weeks a year; that's all.

**Mr. Gilles Bisson:** Oh, boy, I like that schedule.

**Mrs. Donna H. Cansfield:** If you go to the United States, they sit even less. A lot of the work is done by committee. So my question is, is there a role for the function of what we heard earlier, limiting the House to, let's say, Monday, Tuesday, Wednesday, and committee is all day Thursday? I think we need to look at that as well, because essentially, a lot of the work is done in committee and referred back to the House, and if you have the kind of expertise, it will move that issue forward. It's just a thought, because when you do look at the other jurisdictions, we actually are one of the few that sit long, long days. So I guess the question then becomes: Fair enough, we sit long days; what do we accomplish?

**Mr. Gilles Bisson:** I think that's a fair point.

**The Clerk of the Assembly (Ms. Deborah Deller):** We had this discussion today or yesterday. We actually used to do that. The House used to sit Monday, Tuesday, Thursday and Friday morning, and Wednesday was devoted to cabinet and committees.

**Mr. Bas Balkissoon:** When did it change?

**The Clerk of the Assembly (Ms. Deborah Deller):** On Tuesdays and Thursdays, the House used to sit until—first of all, we didn't start until 2. We used to sit until 6. We broke for two hours, came back at 8 and sat until 10 on Tuesdays and Thursdays.

Then it changed, because there was an attempt before the most recent one to get rid of night sittings. So when that happened—

**Mr. Bas Balkissoon:** Lisa won't go back to night sittings.

**The Chair (Mr. Garfield Dunlop):** She wants to be family-friendly.

**The Clerk of the Assembly (Ms. Deborah Deller):** When that happened, Wednesday was inserted for House sitting time.

**Mrs. Donna H. Cansfield:** I'd just ask, if I may, Chair, that that be a consideration when you give us some options.

**The Chair (Mr. Garfield Dunlop):** Go ahead, Larry.

**Mr. Larry Johnston:** Related to the question of how many committees is, on what basis are they organized right now? Policy committees are based on broad policy areas. In some places, like in Ottawa, they more closely mirror the ministries. If you have more committees, then you need to consider which way you want to go with that.

**Mr. Gilles Bisson:** What's interesting, if you read—I think it's in Bosc. There's a really good description about how committees started in the first place. Actually, committees were struck for specific issues and they were fairly small. Then when they were done, they sort of folded up. I don't argue that, but is there some ability to—do we have to have as many members on a committee? I know it's problematic, but if there's some logic to coming around to having good policy committees that deal with specific policy issues in a Parliament of 107 members, how can we make that work? I think that's what I'd like the clerks to get their heads around, because

I'm not sure what the answer is, if there is an answer, even.

**The Chair (Mr. Garfield Dunlop):** Steve, you had a question too?

**Mr. Steve Clark:** Just on the other question—it's because of what Donna said about Alberta and some of the US Houses, in terms of committees meeting on break weeks or when the House isn't sitting—can someone enlighten me? Is that the history in some of the other provinces, that when they do have breaks, they actually have committee meetings? We've drifted into—

**Mr. Bas Balkissoon:** There was one Parliament that—

**Mr. Steve Clark:** But I'm just asking the question: What did they do, then, with their committees? Do they have a robust committee system and meet regularly?

**Mr. Larry Johnston:** They often meet during the other weeks.

**Mr. Gilles Bisson:** We used to do most of our work in the intersession. It used to be here that you would have a debate at second reading, let's say, in the spring. You would normally finish second reading in the spring session. In the intersession you did your committee and then third reading came in the fall. So it allowed a longer process of discussion and a much better ability for committees not to meet two hours here and two hours there, running all over the place. You come in and you say, "Okay, we're going to meet one week, end of June, we're going to meet another week, middle of July, and we're going to do whatever," and you really did some interesting work.

**The Clerk of the Assembly (Ms. Deborah Deller):** In the days when I was a committee clerk, most of the committee work was done in the summer and winter recesses.

**Listen:** Committees used to travel for weeks on end. I can remember, as a committee clerk—Trevor's not going to like this—that committees would meet sometimes for three, four, five, six weeks. We'd go out on the road, come back, do laundry, pack the bags and be out again, travelling around the province. It was what we referred to as "the circuit" that we used to travel, which attempted to ensure that, with the exception of the Far North, any citizen of the province could appear before a committee with a maximum of a two-and-a-half-hour drive.

**Mr. Gilles Bisson:** The other wonderful part was that, because members travelled together, there was a lot less partisanship, because you got to know each other.

**Ms. Lisa MacLeod:** Just to that point, for sure I remember when I first was here, as well, there was a lot more committee time. Granted, many of us have just spent a summer on the election trail, and then it took about six weeks to get us all ready to be sworn in and move our offices. We were here for three weeks, a big break where there were no committees, and we're really just getting back at it now, since last June. But it is, I think, something that's really important.

I lament, as many others will, the lack of travel throughout the province, I think, for two reasons. One is

accessibility. If people don't think their provincial Parliament is accessible to them, then we have a credibility problem. The second part—and I found this, having done some travel during the last election—is just a greater appreciation you have for the rest of the province. I can certainly give you my experience in Ottawa, but it is much more rich when I can also speak to something I have seen, whether it's in Thunder Bay or Sarnia. So that's one thing that has disappointed me.

I'm very much interested in giving committees more flexibility to meet when the House isn't in session. Just simply yesterday, talking about this committee and the need for us to meet over the summer and during the May break week, a question I have is, should that have to go to House leaders? Maybe that's something we have to address.

Now, I do apologize; I did step out briefly and I don't know if you've addressed that. But to me it is something that doesn't make any sense. If this committee feels—we're governed by all three political parties. We should have a say, without having to go back to the House, whether or not we want to meet if we have a clear majority. I think that's something I would suggest we look at.

**The Chair (Mr. Garfield Dunlop):** Thanks, Lisa. Larry, do you want to continue?

**Mr. Larry Johnston:** The last question at the bottom of the first page: "What kinds of mandate should or could committees have?" Again, these are questions that, if the committee is interested, we'll go away and do research on and come back with some information.

Turning the page: "What is an ideal size of membership of a committee?"

**The Chair (Mr. Garfield Dunlop):** I think Gilles talked about that.

**Mr. Larry Johnston:** "What authority should committees have?" I've listed some different possibilities here.

**The Chair (Mr. Garfield Dunlop):** On that one, I noticed—sorry, before you get too far into it, I think this section goes right back to what the Clerk mentioned in one of her earlier comments about the importance of the committees and, as far as our democratic system, it's the key area between citizens and their legislators. So I think we'd better keep her comments in mind as we go through this part right here. That's what you were referring to, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Absolutely.

**Mr. Larry Johnston:** "Under what authority should they have matters referred to by the House, matters that stand referred automatically, functions or tasks that are mandated under the standing orders or the rules, and perhaps rethinking what kind of legislative role they have?"

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** If I may, then, in the context of those questions, I guess the understanding for me would have to be—and maybe it's just a reading

thing I have to do—is what role the Legislature plays in those determinants, because a committee virtually exists by privilege of the House, right? So those determinants would actually answer a lot of those questions, and what would be our authority to make those determinants and what is the House's authority. If you could keep that in mind in your discussions, it would be helpful.

1420

**The Chair (Mr. Garfield Dunlop):** Just on Donna's comments and on what the Clerk had said earlier, I think this is a really, really important part of the standing orders, to make sure we really get this right. If there are any changes we make or any discussion or debate—we have a lot of strong debate around this because, as a member of this Legislature, you tend to forget why you were sent here, at times. I hate when I see that people—sometimes they think they're muzzled from making comments on whatever the issue may be. As someone who's here now, if we're doing anything with the standing orders, I hope that this is an area we can strengthen to make everyone feel really good that we made really good, strong decisions on this.

**Mr. Larry Johnston:** Just to second that, I think many who have studied parliamentary reforms suggest that committees are the area where private members have the most opportunity to flourish, if committees are working properly. That probably has greater potential than any other area of the standing orders that the committee looks at.

**The Chair (Mr. Garfield Dunlop):** So as we go through this page, are you creating verbiage for this as well?

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess what I wouldn't mind is if you engage in the same kind of exercise you did with private members' public business and where you continue to discuss committees to the extent that we can get some indication of what kinds of—

**The Chair (Mr. Garfield Dunlop):** Okay, so I'm just looking at the next meeting. We're talking about committees at that meeting, right? Is that what you're—sorry, Gilles?

**Mr. Gilles Bisson:** To the Clerk's point, to give you just my views—and again, people may have different ones. In the four points, "Matters as referred by the House?", I think you always have to have that. Essentially, that's a legislative process. But what I'd be interested in is what I talked earlier about. Are there ways of being able to start the legislative process in committee—in other words, white paper drafting, first reading, that kind of stuff? It'd be kind of interesting.

"Matters that stand referred automatically?": I'm not quite sure I understand what you're getting at, Larry. Can you clarify, or Deb, one of you?

**Mr. Larry Johnston:** It could be some of those reports that we were talking about previously: that the committee would expect certain reports to come, and out of that, may have hearings. The other thing is that certain statutory reviews are in the legislation, but the committee

doesn't hold them until the House gives permission. It might very well be that those are the kinds of things that could be made more automatic.

**Mr. Gilles Bisson:** Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, there are certain things that are currently automatically referred to committee: the public auditor's report, for example—

**Mr. Gilles Bisson:** Estimates.

**The Clerk of the Assembly (Ms. Deborah Deller):** The estimates are automatically referred to committee. So you may want to consider whether there are other things that you may want to see automatically referred to a committee, yes.

The advantage to doing that is, it gives the committee a term of reference or a mandate to discuss something without it specifically being an instruction by motion of the House.

**The Chair (Mr. Garfield Dunlop):** Gilles, did you have other things on that list here?

**Mr. Gilles Bisson:** Yes. That clarified it. I think that makes some sense: that some of those reports need somewhere to go, and maybe there's some way of dealing with that at committee.

Again, a question: "Functions or tasks mandated by the rules?" I take it that means exactly what you're saying, but that's a pretty big mouthful, that one, right?

**Mr. Larry Johnston:** Yes. I'm sorry; you're asking what that—

**Mr. Gilles Bisson:** Yes, what are you getting at?

**The Chair (Mr. Garfield Dunlop):** Okay, Gilles, let Larry take—

**Mr. Gilles Bisson:** I just asked a question.

**Mr. Larry Johnston:** For example, if you look at the standing order that deals with government agencies, you'll see that the whole process for the review of appointments is set out in that standing order. Similar prescriptions for pre-budget hearings, for example, could be in the standing order. I'll let the members think creatively about what they would want to do.

**Mr. Gilles Bisson:** Yes, and I guess to that, I figured it was what you were up to. I think the review of agencies is one that I'd be interested in. It's something that we haven't done in years. Agencies—we probably should do a better job of reviewing some of them. We end up in a situation, as we are now with the ONTC, where the government says, "Oh, we've got a problem. We need to deal with it. We need to divest." I don't want to get into that debate, but maybe if you had a better process of having agencies come before a committee more regularly, you're able to flag issues before they become a bigger problem, right? That's kind of my thinking.

That would be it, on those four points.

**The Chair (Mr. Garfield Dunlop):** Steve had a question for Larry.

**Mr. Steve Clark:** I just want to support some of these things. I agree with Gilles about the agency board and commission-type review. But he mentioned a white paper, and it brought something—because you did men-

tion that; that's something that committees have done in the past. They've gone out, travelled and developed white papers and come back. Can you re-educate me on—

**The Clerk of the Assembly (Ms. Deborah Deller):** They didn't actually develop a white paper.

**Mr. Steve Clark:** —why we got away from that, I guess?

**The Clerk of the Assembly (Ms. Deborah Deller):** A white paper, or sometimes referred to as a green paper, was referred to a committee. So it's essentially referring a matter to a committee. Typically, there had been some advance work done, usually by a ministry, on that subject matter. Then, rather than bring forward legislation, the government may decide that it would like to engage in a consultation process. So something like a white paper gets referred out to a committee, and the committee then can determine who it's going to talk to, where it might travel to consider that matter and make certain recommendations if legislation is required and what it should look like, if it comes before the House.

I think the last time we did it—and correct me if I'm wrong—graduated driver's licensing was done in that manner.

**Mr. Steve Clark:** But that's government-initiated, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** House-initiated.

**Mr. Steve Clark:** House leaders. Okay.

The other thing, I think, that's not here, Larry, that you didn't include that I think we should have some discussion or debate over, is the use of technology in committees. I had mentioned some of the hearings that aren't accessible to those who can't come to the city of Toronto, when we're just having Toronto-based hearings. I do believe that we should have a discussion at some point about having consensus over live streaming of all our committee hearings. I know other provinces do that. Some of them even post them on their website.

I know that there would probably be a cost when it comes to our existing committee rooms, but I do believe that when we speak about committees, we have to look at access and use of technology. So I'd like to see that as part of a report back or a comment from the Clerk, at some point.

**The Chair (Mr. Garfield Dunlop):** Thanks, Steve. Bas?

**Mr. Bas Balkissoon:** I just wanted the Clerk to expand on the committee developing legislation in terms of—I know you mentioned the one on graduated driver's licensing; it was initiated by the House referring it to committee. But I just want to clarify: That type of process, the initiation part, can it come from anywhere—like a party, a member—or is it strictly government or is it the Legislature?

**The Clerk of the Assembly (Ms. Deborah Deller):** Currently the committees all are arms of the Legislature, so they operate under the authority of the House, with few exceptions, like standing order 126 and standing

order 111, where members of committee can initiate matters for consideration.

Everything else is either mandated by their terms of reference set out in the standing orders or by an instruction of the House.

**Mr. Bas Balkissoon:** Okay, because I just want to clarify what Mr. Bisson is suggesting, that somebody can bring something to committee and then it turns into legislation. How would that get started? Like, a member just can't come to committee.

**The Clerk of the Assembly (Ms. Deborah Deller):** Under the current standing orders, a committee that considers—is it 111 or 126?

**The Deputy Clerk (Mr. Todd Decker):** It's 111.

**The Clerk of the Assembly (Ms. Deborah Deller):** A committee that considers a matter under standing order 111 can produce what's called a committee bill—

**The Clerk of the Committee (Mr. Trevor Day):** It's 126.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's 126? Sorry, standing order 126—and it gets introduced into the House by the committee Chair. I'm trying to think of the last time we did that. I believe it was the bill that set up the association of former parliamentarians that was done that way.

**Mr. Bas Balkissoon:** No, I can understand that, but I'm trying to grasp what Gilles was trying to say. He wanted a place where a member can go and get legislation started on a particular issue that everybody—

**Mr. Gilles Bisson:** I think what I was suggesting is—there are two different things. There is a government need to want to draft legislation. The Ministry of Transportation says, "I want a graduated driver's licence system"—

**Mr. Bas Balkissoon:** Or a senior's driver's licence, or whatever.

**Mr. Gilles Bisson:** There are two ways of doing it. The ministry can go away and draft the bill, and the minister and staff decide what the draft looks like. Then the government is forced to defend it. That's what normally happens. Or you can have a process—and I wouldn't say it's the exclusive way, but that we have some way that entices the government to say, "We want to do a graduated driver's licence system, with the following principles, as a white paper." You go into first reading; the committee does its work. They come back to the ministry through a report from the committee. Then the minister and the ministry say, "Oh, here are some ideas," and they pull it together and draft a thoughtful bill. I just think that when we've done that, we've had better bills.

1430

The second issue is: Mr. Balkissoon is interested in some transit issue that nobody is talking about, right? I'm just saying it as an issue. You have no mechanism now except for standing order 126—

**Mr. Bas Balkissoon:** And that's what I want the Clerk to clarify. How would something like this happen without

the House's knowledge? I mean, if you bring a private member's bill, the House would be knowledgeable.

**Mr. Gilles Bisson:** No. We have standing order 126 now and we have standing order 111. So 126 allows any member of the assembly to bring a matter before committee and that it be studied, provided there's a two thirds majority of the committee in agreement. The problem is that getting that threshold is very hard. It used to be that the threshold was lower. So I'm saying that that is a really good mechanism to surface issues that eventually get taken over by someone to bring over.

**Mr. Bas Balkissoon:** So the problem today is the threshold, in your mind?

**Mr. Gilles Bisson:** The threshold and the use of standing order 111. Because, other than standing order 111 and a majority, the government controls the other side, so the 111 doesn't work for the rest of the House, right? So we need some way that the government always must get its agenda through, because that's the principle of Parliament, but there needs to be an ability for members of all sides to be able to bring issues forward in some way that there could be some discussion that may not be necessarily on the agenda of the government.

**Mrs. Donna H. Cansfield:** Will you do that through private members' bills?

**Mr. Gilles Bisson:** Well, that is one mechanism, but there are also other mechanisms, like committees, that could be far more useful.

**Mr. Larry Johnston:** There's a hybrid in Scotland. In Scotland, a member's bill can be introduced through committee. So instead of the process we've talked about further, a member can bring a bill to committee to ask the committee to adopt that bill as their own.

**Mrs. Donna H. Cansfield:** That can happen here, currently, but you need a two thirds majority of the committee to do it.

**Mr. Larry Johnston:** But that's the committee membership. This allows any member to bring a bill to a particular committee.

**Mr. Bas Balkissoon:** But does the committee have to automatically support it, or can they say no?

**Mr. Larry Johnston:** No, it's up to the committee to determine—

**Mr. Bas Balkissoon:** Okay—but simple majority, or two thirds?

**Mr. Gilles Bisson:** Well, it depends on the jurisdiction; everybody does it different. Here there are two mechanisms: There's 126, which is two thirds, and 111, which is majority of the committee. Majority of the committee works now because we have a minority Parliament, so it works for me. It doesn't work so well for me when you have a majority government.

What I'm trying to say to you is that I understand the principle that the government, at the end, must get its agenda through. You're the government; you have the right and the responsibility to get your agenda through. That's what you're elected to do. But I think we need some kind of mechanism there that allows members of the government and members of the opposition to say,

"Okay, that's all really important, that stuff, but I have an issue that I would like to raise." For example, I did revenue-sharing through a private member's bill, which has sort of taken on a life of its own now. You need more than that, I think, for us to be able to raise such issues so they end up on the radar in our society and eventually society and Parliament deals with them. That's all I'm saying.

**The Chair (Mr. Garfield Dunlop):** Okay. Larry?

**Mr. Larry Johnston:** Just to maybe finish off the 126 issues, I have suggested here that currently, section (a) allows each member to introduce one per session, if I'm not mistaken. That may need to be rewritten if you downsize the membership of committees, particularly if we're still in sessions that are no longer annual sessions. Because if you have a smaller committee, all of those opportunities could be gone in the first year. So it's just another thing to consider in terms of—

*Interjection.*

**Mr. Larry Johnston:** Okay. Is there a role for the Committee of the Whole?

**Mr. Gilles Bisson:** Yes, absolutely.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** I guess I'd like, again, a flushing out of the Committee of the Whole before we just sort of ram in there with a "yes." You don't need to do it now, but I think that we need to have, again—this is just me—a full understanding of the implications of the whole process before, and then, again, applications.

**The Clerk of the Assembly (Ms. Deborah Deller):** I mean, I think it's important too, because it's an important process—

**Mrs. Laura Albanese:** Why is it not being used now?

**Mr. Gilles Bisson:** Excuse me?

**Mrs. Laura Albanese:** Why is it not being used?

**Mr. Gilles Bisson:** Well, the standing orders allow—

**The Clerk of the Assembly (Ms. Deborah Deller):** 1997.

**Mr. Gilles Bisson:** Yeah. The standing orders allow for it, but because the opposition use it a little bit too successfully, governments have been very reluctant to throw things in Committee of the Whole. Is that a nice explanation?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, it's not, and I need to take the opportunity to repeat this again. I keep saying it and I'm going to keep saying it until it finally kind of registers. The problem occurred—we used to use Committee of the Whole frequently. In 1997, when we were doing the city of Toronto amalgamation legislation, that bill was scheduled to go to Committee of the Whole House. It was under a time allocation order of the House, and the time allocation order said that the Committee of the Whole shall continue to meet until completion of clause-by-clause consideration of the bill—shall continue to meet. The problem then occurred that the very—

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, the very clever New Democratic Party filed, by the

deadline, some 10,000 amendments to Bill 103, and then I think the Liberals filed, for their part, some 2,500 amendments to Bill 103. So when Bill 103 was called for consideration in committee—

*Interjections.*

**The Clerk of the Assembly (Ms. Deborah Deller):** When Committee of the Whole was called, and the bill was before it, now it was under an order of the House to meet until it had finished clause-by-clause, and it had before it in excess of 12,000 amendments. What happened then was that as soon as that committee started to meet, it could not get out, so it had to meet non-stop. It ended up meeting for nine days around the clock, 24 hours a day. Because it, like a standing committee, is a creature of the House.

I guess my point, though, is—and that was a situation that did occur. It was more because of the way the time allocation motion was written than because of the process of Committee of the Whole House. Committee of the whole House is actually fairly easy to get in and out of. At any time, you can move that the committee rise and report, which is, like an adjournment motion, non-debatable. The committee can vote on that, and the committee then resolves back into the House. So under normal circumstances, it's easy to move in and out of Committee of the Whole. In that one circumstance in 1997, it was horribly impossible to get out of Committee of the Whole. We've only gone back to Committee of the Whole one time since then because everybody's afraid to. I think initially it was because everybody was afraid to, but I think now it's because nobody understands that it even exists.

**Mr. Gilles Bisson:** The beauty of Committee of the Whole was, if you had a bill in second reading—let's say it went off to committee and came back, and we decided it needed one little amendment that we forgot or whatever, you were able to order it into Committee of the Whole, do that and come right back out again; or, in some cases, right from second reading into third.

**Mr. Larry Johnston:** Every provincial jurisdiction and the Parliament of Canada uses Committee of the Whole quite regularly. Ontario—

**Mr. Gilles Bisson:** We also skipped over, Larry, the issue of flexibility in setting their own meeting times and should they be able to meet when the House stands recessed.

**The Chair (Mr. Garfield Dunlop):** I think he's dealing with 126 issues first here.

**Mr. Gilles Bisson:** Oh, that's why. Okay. You just—

**Mr. Larry Johnston:** No, I went back up to the role of Committee of the Whole, and I was going to next to: Are there any reporting requirements the committee should be subject to?

**Mr. Gilles Bisson:** I would agree yes, you need to report the work that you're doing in some way. We now have that with reports by committees. Is there a better way of doing that? I'd be interested.

**Mr. Larry Johnston:** Again, I'm thinking in terms of legislative stages. In some jurisdictions, once a bill is

referred to committee, the committee has a certain length of time in which it must report that bill, or the bill stands ordered for the next stage.

**Mr. Gilles Bisson:** Oh, I see what you're saying—a kind of programming.

**Mr. Larry Johnston:** But it's not programming on a bill-specific basis. It's saying that the committee, when it has a task to do, has so long to do that task.

**Mr. Gilles Bisson:** I don't know about that. I'd like to hear more about it.

**The Chair (Mr. Garfield Dunlop):** Well, that's there. We're going to question that, so yes.

**Mr. Gilles Bisson:** Yes. I need more information.

**Mr. Larry Johnston:** So, then, how flexible should committees be in their own meeting times?

**Mr. Gilles Bisson:** On that, I think—I don't want to mix apples and oranges. The parliamentary calendar and committees sitting on certain dates is important for all kinds of reasons. I don't think we want to give the Chair the ability to, all of a sudden, say, "I'm going to meet on Wednesday instead of Tuesday," because then everybody would be running around this place not knowing what's going on. But for the ability to sit, for example, in constituency week or to be able to sit in the summer break, I'm on the side that if the committee decides they want to ask the Chair to do that, it should be a motion of the committee that decides.

**Ms. Lisa MacLeod:** Agreed.

**Mrs. Donna H. Cansfield:** If I may, that's nice—it's not without its challenges, though, because if you do it by voting or by consensus, it would make a difference.

**Mr. Gilles Bisson:** Yeah, consensus is always better; I agree with you. Absolutely.

**Mrs. Donna H. Cansfield:** Because if you've got the majority of votes and say, "Well, I'm going to meet the month of July," and the other members say, "Sorry, I can't. I've got this, this and this," you could say, "Too bad, so sad. We've got the votes." Do you know what I'm saying? So whether it's done by voting or by consensus, it can be a challenge.

1440

**Mr. Gilles Bisson:** There is a challenge; I accept that.

**Mr. Larry Johnston:** I think you've answered the next question: "Should they be able to meet when the House stands recessed?"

"How should the assignment of Chairs be determined?"

**Mr. Gilles Bisson:** Is there something more interesting out there that you're referring to?

**Mr. Larry Johnston:** Not necessarily, but I know it was an issue recently.

**Mr. Gilles Bisson:** No, that wasn't the issue. The issue wasn't how we elect the Chair; the bigger issue was in regard to composition in committee.

**Mr. Larry Johnston:** Well, there has been a question from time to time of whether or not the Chair of the Standing Committee on Government Agencies should be an opposition member.

**Mr. Gilles Bisson:** Oh, that's what you're getting at. I see.

**Mr. Larry Johnston:** That has been argued in the past—of course, it's not at present.

Some are prescribed and some are not, under the standing orders, so that's just a question—

**Ms. Lisa MacLeod:** Oh, you're talking in terms of if it's an opposition member, not as a caucus—

**Mr. Gilles Bisson:** Should an oversight committee be chaired by an opposition member or by—

**Ms. Lisa MacLeod:** Right, I see. Okay. Well, I think that's worth talking about.

**Mr. Gilles Bisson:** Yeah.

**The Chair (Mr. Garfield Dunlop):** Deb, did you have a comment on that?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** I just thought that maybe you were wanting to comment on it.

**The Clerk of the Assembly (Ms. Deborah Deller):** No. I mean, if the committee wants to take a look at that, they should.

**Mr. Larry Johnston:** "Should committee reports be required to be debated in the House?"

**Ms. Lisa MacLeod:** Do you know what? I don't know if it's necessarily required, but there are some good reports out there that we spend a lot of time on, and then they sort of get tabled and nothing happens. I don't know if it should be required, but I think we might want to look at some model where there's an opportunity.

*Interjection.*

**Ms. Lisa MacLeod:** Pardon me?

**Mr. Bas Balkissoon:** Tabled without a decision.

**Ms. Lisa MacLeod:** Yeah. I've been party to a lot of that, where it's—

**The Chair (Mr. Garfield Dunlop):** It's worth discussion, though.

**Ms. Lisa MacLeod:** Yeah, it really is.

**Mr. Larry Johnston:** Sometimes there's a minimum prescribed debating time. It might be 20 minutes; it might be half an hour or less.

**The Chair (Mr. Garfield Dunlop):** Let's discuss it, at least.

**Ms. Lisa MacLeod:** Yeah.

**Mr. Larry Johnston:** The last one here is under standing order 130, and that's the vote of the Chair. "Should the Chair's vote be deliberative?"

**Mrs. Laura Albanese:** Personally, I don't think so. I see the Chair in a committee as a sort of extension of the Speaker, and I think it should be non-partisan in sort of having that mediating role, unless there is an even vote.

**Mr. Larry Johnston:** I only raise it because I saw somewhere in the standing orders where it said that the vote of the Chair is deliberative and shall be cast in the event of a tie.

**Ms. Lisa MacLeod:** Can we look at it, though?

**Mrs. Laura Albanese:** We can look at it.

**The Chair (Mr. Garfield Dunlop):** Sure.

Does anybody have anything else to add under questions, as we approach next week and talk about

committees? Gilles, do you have anything else you'd like to see added on there?

**Mr. Larry Johnston:** Can I have some direction in terms of priorities in preparing for next week's meeting? What are your top three?

**Ms. Lisa MacLeod:** Is it possible, maybe, for us to start looking at A and B and—sorry, there are only two As and Bs. Let's look at A next week, then. I'm sorry, I just thought it might have been broken down a little bit more.

Why don't we have the general framing considerations first? I think that then helps us decide what we're looking at in terms of what a mandate should be.

**Mr. Larry Johnston:** The other thing we could do is take something like that or maybe provide you with background on the committee system in maybe two or three jurisdictions so that you get a contrast with what you're used to, somewhat as we did with the private members' system.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** Next week, we're going to discuss the paper that the clerk is going to prepare with options—is it next week or the following?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, I think you're going to proceed—

**Mrs. Donna H. Cansfield:** Then I agree. I think you need to have some background material.

**The Chair (Mr. Garfield Dunlop):** Okay. We'll go to the framework stuff first. Is that all right with everyone?

**The Clerk of the Committee (Mr. Trevor Day):** We'll set up some background material on committees. We'll try to pinpoint stuff we've heard in the discussion today—anything that stepped out—and that will be a starting point for our discussion on committees.

**Mr. Steve Clark:** So what's our start time?

**The Chair (Mr. Garfield Dunlop):** Same time, 12:30.

**Ms. Lisa MacLeod:** Yeah, I like this time. I'm sorry I wasn't here for lunch with you.

**The Chair (Mr. Garfield Dunlop):** So 12:30 is when we agree to get a bit more done?

**Ms. Lisa MacLeod:** Just to be clear, Mr. Chair: Will Mr. Bisson be in charge of the menu selection for next week?

**Mr. Gilles Bisson:** Oh, God. If I'm in charge of the menu, you guys will eat.

**The Chair (Mr. Garfield Dunlop):** This is fine.

**Mr. Gilles Bisson:** Excuse me, Chair. I just want you to know that that's not food, okay? I want you not to think for one second that is a good diet.

**The Chair (Mr. Garfield Dunlop):** We have to look at the strict budget we're on.

**Mr. Gilles Bisson:** Well, then, people can go buy their own lunch.

**The Chair (Mr. Garfield Dunlop):** I'm not sure what you're eating, but this is pretty reasonable.

**Mr. Gilles Bisson:** The cafeteria had a very good pasta for \$8.95 today.

**The Chair (Mr. Garfield Dunlop):** Anything else for the good of the committee today?

**Ms. Lisa MacLeod:** Yes, Chair. I've obviously communicated with our House leader's office and indicated, obviously, our caucus's willingness to continue to pursue this even if the end date moves forward. Is there a way to direct the committee to contact House leaders to inform them that we will need more time?

**The Chair (Mr. Garfield Dunlop):** We've already requested we meet over the summer, and we can add more to it. The workload's getting heavier—

**Ms. Lisa MacLeod:** Yes, because I would just like to make sure we're managing the expectations of our colleagues who aren't on this committee so that they know that we are doing an in-depth study that is worthwhile, that will take additional time, and that we want to do it right for all members and future generations of assembly members.

**The Clerk of the Committee (Mr. Trevor Day):** One of the possibilities open to the committee, and it's up to the committee, is that we indicate to the House leaders that we would like possible exemption from the motion that's already been passed or a subsequent motion that would change the fact that perhaps this membership will stay intact throughout.

**Ms. Lisa MacLeod:** Gilles, you're the only House leader here. Are you good with that?

**Mr. Gilles Bisson:** I'm good with what? Sorry, I was doing something that I shouldn't have been doing.

**Ms. Lisa MacLeod:** You're ordering next week's lunch.

**Mr. Gilles Bisson:** No, I was actually looking at emails from your House leader.

**Ms. Lisa MacLeod:** Okay, well, can you email him back?

**Mr. Gilles Bisson:** Jim and I are having a conversation about something. Sorry.

**Ms. Lisa MacLeod:** Maybe you want to repeat—

**The Clerk of the Committee (Mr. Trevor Day):** One of the options open to the committee is to request of the House leaders that a subsequent motion be put before the House exempting us from the September 1—not September 1; September 7, in around that time—membership—

**The Clerk of the Assembly (Ms. Deborah Deller):** The death motion.

**Mr. Gilles Bisson:** I like the death motion; it's there for a reason.

Under consideration and advisement, thank you.

**The Clerk of the Committee (Mr. Trevor Day):** Can we maybe take it up next week?

**Mr. Gilles Bisson:** Yeah.

**The Chair (Mr. Garfield Dunlop):** We'll keep working as hard as we can. There's nothing else we can do.

**Mr. Gilles Bisson:** Just so you know, we had a conversation at House leaders', and what we kind of agreed on, but we haven't formalized, is that if this committee is not finished that we would re-strike it and continue in September. So whatever way we do that, we have to figure it out, but we're not there yet.

**The Chair (Mr. Garfield Dunlop):** We'll continue to put as much effort into it as we can. I don't know how we can do any more to keep everybody happy.

Based on what Lisa said, though, is it the will of the committee that we perhaps draft a letter to each of the House leaders saying that this is very time-consuming and at least let them know that—

**Ms. Lisa MacLeod:** Let them know that this is not just each caucus coming together with a list of laundry items that we expect are going to be done, because I think that is what the expectation is. I think that it's really important to let them know that we're going in a bit of a different direction than that.

**The Chair (Mr. Garfield Dunlop):** What we'll do is, we'll have a letter drafted for next week that we can review before we send it off, okay?

**Ms. Lisa MacLeod:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Anything else anyone has?

To the Clerk and the Deputy Clerk, thank you once again for taking part. It's great to have so many people involved in this.

With that, we'll adjourn until next week at 12 o'clock for lunch, if you want to have lunch, and the meeting begins at 12:30 on May 2. The meeting's adjourned.

*The committee adjourned at 1449.*

## **CONTENTS**

Wednesday 25 April 2012

Standing orders review .....	M-81
------------------------------	------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

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Ms. Deborah Deller, Clerk of the Assembly

#### **Clerk / Greffier**

Mr. Trevor Day

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Mr. Larry Johnston, research officer,  
Legislative Research Service

M-8



M-8

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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Wednesday 2 May 2012

## Standing Committee on the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Journal des débats (Hansard)

Mercredi 2 mai 2012

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 2 May 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 2 mai 2012

*The committee met at 1306 in room 1.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting to order, everyone. The topic today is to open a discussion on our thoughts on committees, anything at all about committees: how you feel about the current system, changes that could be made, size, composition. We're just looking for a starting point for conversation, so that we can get some points down that people would feel comfortable discussing as a starting point. Has anyone got anything immediately that they can think of? Maybe I can start with one, okay? Just to throw it out there.

I've sat both in government and in opposition in my time here, and I've noticed that when we're in government—or whoever is in government—you usually have five people down that side and only one person is really engaged, because the other ones are just there to vote at the time, in most cases. That's what I've noticed over the years, both when I was there and in cases with the current government. But in a minority situation, I'm seeing far more interest in the committee structure. A lot more people are engaged in the conversations, etc. So that's one area that I think—when we do have a majority government, how do we engage the committee members more? That's kind of a starting point that I just suggested.

Deb, could I ask you if you've got any comments on this to begin with, as the Clerk? I think it was you who clearly said at one of the prior meetings that the committee structure is one of the most important parts of the democratic system. It's our bond between—

**The Clerk of the Assembly (Ms. Deborah Deller):** The committee system is a fundamental component of a parliamentary setting. I think that's what I was getting at. Committees are an important part of the process, being the liaison between the members and the public—the only liaison, really, between members and the public in a formal sense.

What you were referring to with respect to this idea that one person, predominantly on the government side, would take the lead in committee: I think it's a fairly recent development. By "recent," I guess over the last 20 years is what I'm talking about. It's not unique to this government. It's been what recent governments have engaged in, I think, because they want to exercise more control over specifically what's happening in committee.

My observation, as a result of that, has been that there was a time when witnesses would appear before a committee for public hearings, make their presentation, make their case, and there would be sort of a free discussion among the members with that witness. Frequently, there would be an agreement among the committee that this was either a worthwhile criticism of the piece of legislation or a worthwhile subject for amendment to the existing piece of legislation. There were what we called friendly amendments; in other words, where all the committee members would sort of gather in the corner over here and agree on what would make sense in terms of amending the legislation to address the issue that was raised by the witness. That doesn't happen very much anymore.

Again, I think that's a cultural thing. I don't know that there's anything in the rules that you could do that would really solve that particular issue.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** You're probably right, and I don't know how that will change. Typically, it's not just the individuals but because there are differences of opinion in terms of the government's or the opposition parties' perspective on things. So it's not so much the control; it's just that there's a difference of opinion, and it's a collective difference.

I would like to raise an issue that has been of interest to me in committees, and that's the issue around consultation, meaningful consultation. I've sat on committees here for only nine years, and one of the things—and I have no difficulty with travelling. I actually agree with Deb that it's an opportunity for a variety of initiatives to occur, both within and amongst the members themselves, but for me the issue is: How do you find and come to terms on what meaningful consultation actually is? So there's consultation that ultimately leads to changing the bill, that kind of thing; there's consultation on a broader, "We just want to hear from you," but there's some things that we're not going to be able to change, for whatever reason; but also the determination of how and where that consultation takes place.

I'll give you an example. We ended up, on consultation on nuclear power, in Orono, which maybe had 15 people in Orono—and I'm not suggesting that they don't have a valid opportunity for input and discussion, but we could have gone down the road to a far larger jurisdiction and encouraged the Orono folks to participate, but we

didn't. So I think what we did is we purposely missed out on a good consultation process, because we ended up restricting it. I guess there was some discussion or bargaining that went on in and amongst, again, the House leaders, or however that's determined, and I know that some members like to have people in their own ridings, but I think if the idea of consultation is to be meaningful, and the idea is to reach as many people as possible, then there has to be a better way to do it than has historically been done. That's one.

The other is: How do we engage and use digital, visual, audio, teleconferencing, etc., in a more meaningful way to reach out to folks? I just put that on for discussion as well.

**The Chair (Mr. Garfield Dunlop):** Okay. Lisa had some comments.

**Ms. Lisa MacLeod:** Yes. I think, to Ms. Cansfield's point, since my time here—and I've served just a little bit less time than her, but both of us three mandates—what strikes me is that over time, there has been less consultation with everyday Ontarians, and I think it speaks to two things: Both the quality and the quantity of consultation has declined. If you look back in one of the research papers that Larry has provided us with, there used to be a time in Ontario when Oliver Mowat, Leslie Frost and John Robarts used select committees of between three and six individual members, who would study an issue and provide that as information to the government, and they would derive policy from that. We've gotten away from that, and whether that's through the standing committee or a select committee, that's important, because we're offering an ability for the public to consult.

The second thing I think is really important is the way we consult, and I think there is obviously the tried, tested and true way of actually going to people's communities and allowing us to be accessible to them, which I think has been in decline, but the other thing is that today technology is a very important part of our life. A few years ago, and some of you may recall—you may have been on the committee with me when we were dealing with Bill 165, when we struck the independent child advocate, and through all-party support, we struck that bill. It was passed. And one of the regrets that I had at the time was, the independent child advocate was going to look after children, and there was no way or forum for kids to actually—particularly vulnerable kids—reach out and speak to our committee in a way that might be a little bit more familiar to them.

We have to sometimes assess, particularly when we're dealing with children's issues, if the method that we're consulting is appropriate. I understand the constraints that we have and how official our business is. That said, when you're talking, particularly, about children in care, whether it's a foster home or it is through the children's aid society, there might have been a better way for us to have done that.

There might have been a better way for us to, for example, have consulted with native communities with respect to that. I've talked in the past about my experi-

ence with the HST bill, where I felt it was appropriate for the leader of the third party to have a little bit more time to talk to a First Nations chief.

It somehow, to me, seems that we can be quite constrained while we're sitting around this table, and it could be quite intimidating. I'm used to it now, because I know all of you. I can recall, however, when I was first elected here, I was about 30 years old and it was very hard for me—if you guys can believe this—to spit anything out at the time. I was incredibly—

*Laughter.*

**Ms. Lisa MacLeod:** Don't worry. I know where you sit; I know where you live; I know where your office is.

*Interjection.*

**Ms. Lisa MacLeod:** I'm just extreme.

Having said that, I think that we ought to consider that in how we do this. I think we can Skype people now, and we can also communicate via phone, but I don't know if it's necessarily that this is just the only way we can consult.

I'm just wondering if there are ways—and let's look at British Columbia, for example. They have a unique situation with their First Nations community that I don't think we've fully adopted here in Ontario. How do they consult as a Legislature on those matters with the First Nations community? Are there other places in the Commonwealth, when they're dealing with children's legislation, child protection or what have you, where there's an ability for those affected to make a presentation to committee that doesn't require them to be in a committee room wearing a suit in front of a whole bunch of people that may appear intimidating? I just think that we may want to consider that.

I just want to reiterate one of my primary points: We need to have flexibility, not only to deal with it that way, but, as Robarts and Mowat and others have done here, figure out what the issues of the day are, and, in a non-partisan way, whether we are able to address that as an assembly. I think it would go a long way in seeing the speedy passage of good legislation, but also we would be doing our due diligence at the front end, rather than, in a year or two when a bill actually is implemented, finding out what the unintended consequences might be.

I know I've loaded you with a few different points, but I'm just afraid I might not get any more talking time in here, because the Chair might stop me.

**The Chair (Mr. Garfield Dunlop):** Any other comments on committees? Gilles, you must have—

**Mr. Gilles Bisson:** I was waiting for the presentation.

*Interjection.*

**Mr. Gilles Bisson:** Well, we've had a bit of a chat, and, just for the record, I would say the following: Committees—well, no; I'm going to reserve my comments for later.

**The Chair (Mr. Garfield Dunlop):** Laura?

**Mrs. Laura Albanese:** To the point made by Ms. Cansfield and Ms. MacLeod in looking at the spectrum of consultation, I would add, to the new media and various ways of engaging people, perhaps to keep in mind

the diverse makeup of our province, and therefore, wherever possible, to at least advertise when there's a public consultation going on, when a committee is asking for a consultation, to spread that word as much as possible to the multicultural communities that are part of our society.

**The Chair (Mr. Garfield Dunlop):** Can I ask, Trevor, how we do that today with our advertising? Do we specifically select those areas?

**The Clerk of the Committee (Mr. Trevor Day):** Generally, what we'll do is we'll ask the committee where they want to advertise. We've got some basics that we almost always use: the parliamentary channel, the website and the newswire. Those are pretty much standard. After that, we look at something that might be all of Ontario; and in terms of French-designated areas, we try to put that in. But it's largely in the hands of the subcommittee members to say, "Here's the audience we're trying to get to," or, "Here are the locations we'll be travelling to, so that's what we're trying to do."

1320

From our part, I think there is probably an area where we could look into this in advance, because we do get asked for suggestions from committee members—the clerk, when you're in subcommittee—on how best to do this, that or the other. So I think there is a role for us in terms of getting ready for those types of questions.

**The Chair (Mr. Garfield Dunlop):** But let's say there's a bill that might have a major impact on, say, the Chinese community that they might be very interested in, one way or another. Do we put ads in the Chinese newspapers—

**The Clerk of the Committee (Mr. Trevor Day):** If directed by the subcommittee, we do. It is the subcommittee that makes that direction—

**Mrs. Laura Albanese:** But if I may add, there are certain issues that are of interest to any community. If you're part of a community that is new to Ontario, you may not get to know that there are consultations. Let's say you live in a condo and we're having condo consultations, or we're looking at a bill—you may be Chinese, you may be Vietnamese, you may be Portuguese, you may be of any background, and perhaps be not fully integrated yet and not even know that this is going on unless it's advertised in your own language. There are issues that concern all Ontarians, even those who don't speak the language well.

**The Chair (Mr. Garfield Dunlop):** Steve is going to be on, and then Bas. But I just know myself that over the years, a number of times I've had to call around to stakeholders and say, "Do you understand this legislation is before the House and you have an opportunity to apply?" I'm not sure Deb would agree with this, but I think that's something that we, as MPPs, automatically have a responsibility to make sure we inform our stakeholders. But technically it's in the hands of the subcommittee to make sure that happens.

**The Clerk of the Committee (Mr. Trevor Day):** The members of the subcommittee will direct us to where

they'd like us to advertise, and we ensure that it's in there. We have an ad agency that works with us, so we don't necessarily go paper by paper. We say, "We're going to this community; how many people can we get it to in this location? What's your biggest subscription here?", to try to get the appropriate ad out, on the direction of the subcommittee.

**The Chair (Mr. Garfield Dunlop):** Steve and then Bas and then Gilles.

**Mr. Steve Clark:** Chair, I just wanted to add to some of the comments about access, and I've said this before at committee. I know that we do, in the Amethyst Room, have the ability to stream our proceedings online. I have no idea of the cost of equipping other rooms to do that, nor do I understand whether there's a cost to posting those committee proceedings online as we do our archived question period. But I do think, in picking up on comments that the other members have made, that that would be, I think, money well spent for us: to have that available to the public so that if someone chooses not to come for a hearing on a committee, they can still view our proceedings; they can still see the witnesses; hear the discussion. I think that's a very productive process for us to have, given the fact that there are a number of network satellite companies that don't have our proceedings. That, at a very minimum standard, should be something that we investigate and get a report on, because I firmly believe that that is something that other jurisdictions do today and that we're sadly lacking in, in terms of those types of access points.

**The Chair (Mr. Garfield Dunlop):** Bas and then Gilles.

**Mr. Bas Balkissoon:** I just wanted to throw in two bits. What the subcommittee does today is sort of decide, based on this legislation—the members on the committee—what's best to send out to the public, but I'm wondering if there's an opportunity here, based on what my colleague said—there are a lot of the ethnic papers. If they were to get a daily updated status as to what government is doing, like, "This piece of legislation was presented at the House today, etc.", they would themselves pick it up based on what they know is going on in their particular ethnic community and they would start their own news reporting that would make that community aware of it. That may help us also to decide later on, when the committee does have the real hearings, to advertise it in that ethnic community, because there are a lot of people here who monitor ethnic media. They'll know what that media is reporting.

What we need to do is not depend on the subcommittee alone to decide; we need some kind of a group here that is actually monitoring what the communities are reporting. A lot of the ethnic media would love to say what we're doing here, but they have trouble trying to find out.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I'm not sure how you deal with that, but I agree with you.

**Mr. Bas Balkissoon:** By sending out daily news reports or something.

**Mr. Gilles Bisson:** That may be the case. I don't know. I have not processed it, but I hear what you're saying.

We were talking about the business of the subcommittee generally. One of the things that we would like to see—at least I would to see; I don't know if the committee wants to—is, we need to find a way to essentially do a couple of things. One is, committee should have the ability to sit through the summer through some kind of a process that doesn't necessarily take a motion in the House. If members feel strongly about something, normally, committee members are able to decide if it's worth their time and it's worth doing a week or two in the summer to do a hearing or do clause-by-clause on a particular bill.

I don't see this as any danger to the government because, in a majority situation, the government members still are going to have their way. In a minority Parliament, I don't see too much of a danger for government either, because at the end of the day, most of our committees are tied, anyway. So there's a bit of safeguard built in.

But the point is, committees are where everything really should happen. We should be less reliant on the House. I'd be happy if we had less time in the House for debate and we had more time in committee for meaningful discussion.

The reality is that the House has become, I think, ineffectual in its perception in the public because it's not as meaningful as it once was, as far as what was going on in debate. The way it used to work: Everything was done in committee, and by the time it got to the House, there was already a fair amount of agreement about what had to be done and you had a real debate about the issues that mattered.

If we do anything in this committee section, we figure out some way to empower—not to empower; that's probably the wrong word—we find some way to make committees more relevant to the discussion of how we deal with issues in legislation so that the meaningful work is done here and, rather than having more debate in the House, the actual discussion happens here in committee. I think one of the ways you've got to do that is you have to give committees the ability to meet at the call of the Chair in the intersession.

During the session, it's a lot harder because of scheduling. I don't think you want to muck around with committees deciding their own schedules during the session; I think that would be a bit of mayhem, quite frankly. But if we gave committees the ability to meet in the intersession, that would be good.

**The Chair (Mr. Garfield Dunlop):** Bas?

**Mr. Bas Balkissoon:** Just one comment: I think we talked about this before. Somebody mentioned that there used to be committee weeks, and then the Clerk mentioned that it was successful because committee members were getting a per diem to be there so that they would be there. But if you look at today's current situation of how we sit in committee, if one committee meets during the break and another one doesn't, is that fair to the members?

**Mr. Gilles Bisson:** But it's the choice of the committee, right? For example, we have nine standing committees. Some of those standing committees may feel strongly about having to sit in the summer for extra time to deal with, for example, estimates, or a particular bill that the government has or a private member has in committee. I think you leave that up to the committee, because it's not every committee that's going to want to, for some very real reasons.

The overarching principle or point that I'm trying to make is: We need to think about how we can make discussion more meaningful about how we deal with legislation that comes through the House. I'm just suggesting that that could be more properly done at committee if we think about ways of doing that than trying to do it in the House.

**Mr. Bas Balkissoon:** But the call of the Chair becomes a little bit problematic for members; they don't know what their schedule will be, and then something happens and they've got to change their schedule, whereas if you have a period of time scheduled for committee work, committee travel or whatever in the House schedule and you lower their House time, as you're saying—maybe everybody will be agreeable.

**Mr. Gilles Bisson:** No, no. I argued quite the opposite. I said that when the House is in session, you have to have a static schedule. I agree with you. You should not make it a fluid schedule; it needs to be static. What I'm putting forward is: The call of the Chair is what happens in the intersession, because currently, the only way a committee can meet in the intersession is by a motion in the House, and what I'm arguing is that it should be up to the committees, not the House, to decide if they want more time in committee during the intersession.

1330

**Mr. Bas Balkissoon:** That's what I commented on. On the breaks we're not sitting around doing nothing. A lot of us plan a lot of activities around our ridings. If a committee calls a meeting to do committee work, then everything that member schedules for that break is now thrown out of whack.

**Mr. Gilles Bisson:** Well, two things: Number one, it would take a majority of the committee to decide. It's the majority of the committee that decides; it's not the Chair who says, "Hey, everybody, we're having a meeting." There's a proposition that's put forward by way of letter to the Chair, and the Chair calls a subcommittee. The subcommittee makes a decision, brings it to the general committee, and then the general committee has a vote, so it's the majority of the committee.

The second point: I would just say, we're elected to do what? We're elected to be legislators, and if it means, say, an extra week or two of committees in the summer, I don't think it's a bad thing.

**Mr. Bas Balkissoon:** I'm not saying I object, but I think it has to have a better schedule, not just a call of the committee or call of the Chair. It has to be designated so members know how to plan their time.

**The Clerk of the Assembly (Ms. Deborah Deller):** Typically, what did happen was the committee would

have a discussion about how much time and when it wanted to meet during a recess, and then, honestly, all the members—today they'd take out their BlackBerrys; at the time, it was their daytimers—would figure out when the most agreeable time was for the committee to meet, and then that's when the committee would ask—but they would ask for time still. So it wasn't sort of an issue of the Chair just establishing the meeting dates and times and then the committee members not being able to attend.

**Mr. Bas Balkissoon:** But, Madam Clerk, even with the committee trying to schedule it, I remember sitting on the poverty committee, and quite often we'd pick dates and half the members couldn't be there, but we went ahead because we had already told the stakeholders that we were going to meet with them. I don't consider that meaningful if half the members miss out, because, after the fact, to try and share what the group heard, yes, you get the gist of it, but you don't get the real material that was presented.

**The Chair (Mr. Garfield Dunlop):** I guess another thing: Do you think we're getting—well, the minority government has been a bit different, but I'm wondering: Are we covering often enough on committees? In the last three or four years, how much time have we really spent in the summertime on any kind of a committee? I know I was here one time for estimates because the minister couldn't come.

**Mr. Bas Balkissoon:** I know in the last two years, I've travelled all summer.

**The Chair (Mr. Garfield Dunlop):** On committee?

**Mr. Bas Balkissoon:** Well, last year and a part of the year before on the poverty committee, and before that it was, I think, the justice committee or something I travelled on. It was like six—

**Mrs. Laura Albanese:** Were you on mental health, as well?

**Mr. Bas Balkissoon:** Mental health, yes.

**The Chair (Mr. Garfield Dunlop):** So you're saying there's a fair amount of travel right now in committee?

**Mr. Gilles Bisson:** No.

**The Chair (Mr. Garfield Dunlop):** Go ahead.

**Mr. Bas Balkissoon:** Right now, it's not happening, no.

**The Chair (Mr. Garfield Dunlop):** No.

**Mr. Bas Balkissoon:** But before, it did. I was on them.

**Mr. Gilles Bisson:** No, no.

**Mr. Steve Clark:** Not since I've been here.

**The Clerk of the Committee (Mr. Trevor Day):** I guess the last couple—we're looking at maybe a week.

**The Clerk of the Assembly (Ms. Deborah Deller):** Could I just get back, because I think—

**The Chair (Mr. Garfield Dunlop):** Hold on, everybody.

**The Clerk of the Assembly (Ms. Deborah Deller):** The discussion between Mr. Bisson and Mr. Balkissoon—I think the only real difference Gilles is pointing out is that currently a committee will have a discussion about if it

wants to meet during a recess and when, and then they'll agree to that and they'll put it in a letter, and it will go to the House leaders to determine. Then it forms part of the motion that the House passes, usually on the last day or close to the last day.

The issue then becomes if the committee, for whatever reason, can't—you know, maybe there are witnesses that are only available outside of that time that has been established. Maybe it doesn't make sense to go to Thunder Bay on that particular date that they're authorized to go. In other words, it doesn't allow any flexibility for the committee.

The only difference with this would be that the committee would still get together, make a decision about when it wants to meet and where over the recess, but now it doesn't have to go to the House. It can make that decision by itself, and it can change that decision by itself.

**The Chair (Mr. Garfield Dunlop):** So this is definitely a topic of interest to the committee, then, the travelling time, and I think—

**Mr. Gilles Bisson:** There's a whole bunch of stuff in committee, and I don't know when we're getting into it. I thought we were going to get a presentation, so I was kind of holding back.

So, there's the issue of being able to meet at the call of the Chair, as we just talked about. I think the other one is, we need to take a look at standing order 111s and standing order 126s, so that members have an ability to raise issues in the committee that can have some reasonable amount of time to deal with the review on whatever. It was, at one time, under standing order 126, that any member of the Legislature could request a—what was it, so many hours of—

**The Clerk of the Assembly (Ms. Deborah Deller):** Twelve hours.

**Mr. Gilles Bisson:** Twelve hours of committee hearings, and the committee just had to do it—

*Interjection.*

**Mr. Gilles Bisson:** Go ahead.

**The Clerk of the Committee (Mr. Trevor Day):** Sorry, that particular standing order, it referred to, on a committee, one of the three subcommittee members was able to raise it.

**Mr. Gilles Bisson:** Yeah, so it was actually, at that time, I think it was standing order 123, if I remember correctly. It became standing order 126. Why would I know that? Because I've got a sick life.

But the point is, we moved the threshold to two thirds, and I think we need to relook at that two-thirds threshold so that we look at doing standing order 126 for what it was intended for.

Then under standing order 111, only the committee, by way of a majority, is able to deal with looking at a particular item. It works particularly well in a minority Parliament. It doesn't work very effectively for the opposition in a majority government. If there's some way of getting that as well, I think it's one of the issues that I'd like to think about.

Then, the other issue is—and I'm just going to rattle these off—under regulations and private bills, there's an

inability in that committee to do a proper job of reviewing regulation. Not to get in a huge debate, but what's happening now is, almost everything that's being written is being left to regulation, so when a bill comes into the House, pretty well the entire bill is left to regulation.

There was a time that that was not the norm. The norm was, the bill was properly defined as to what the bill wanted, and the only thing that was left to regulation is something that was very technical, like a writing of a manual. For example—Donna would know—the sustainable forestry development act planning manuals are written by regulation.

Now what we tend to do is, we tend to put everything by regulation. So you may have a bill that you introduce as a government that says: "I would like to have the following thing happen," and you leave the details to regulation and your intent is to do a certain thing. You lose government, somebody on this side takes the floor and decides, by way of regulation, to change everything that's happened, and there's no ability for the Legislature to deal with it, which I think is a huge problem.

So one of the things that I'd like us to take a look at is the whole idea of what they call delegated legislation or the making of regulation. I think there are two things: Do we need to have a mechanism by which regulations have to be accompanied with the bill once we get into committees, so that members can properly look at the bill and say, "Okay, well, that's what the regulations are doing; they're doing what they're intended to do by way of legislation. Fine; let's go"? That's maybe one option, and I'm not sure how you do that; or, do you also have another mechanism that says, once government decides to change a regulation, that there be an opportunity for the Standing Committee on Regulations and Private Bills, or some mechanism, to review those particular regulations? Because I think there needs to be transparency.

I don't want to do this to tire the government, but a good example is what happened with the G20 summit, where there was the change on the security perimeter in regard to what the police could and couldn't do. There was no mechanism for this Legislature or the public to be informed about those changes. I think it's to the public good and to the respect of this Legislature and members that we have some mechanism to be able to look at those things as they happen.

Those are just a couple of my bugaboos that I'd like to put on the table.

**The Chair (Mr. Garfield Dunlop):** Does everyone realize that on their desks in our correspondence there is a bill from private bills and regs? So just to make sure you have a peek at that.

Donna?

**Mrs. Donna H. Cansfield:** I guess I think I understand what you're suggesting, but it's interesting because, if I go back to the time when there were a number of bills that came through, and I use your government, as a result of the royal commission on education, the amalgamation of school boards, the creation of the College of Teachers,

the EQAO—all of those things, they were all done under the format that there's a piece of legislation, and regulation would follow with the stakeholders.

So, would your suggestion that it all become inclusive to a committee just extraordinarily expand the committee's work to suddenly becoming a regulation-making committee, as opposed to what the ministry would be doing in terms of consultation with stakeholders?

1340

**Mr. Gilles Bisson:** Let me just very quickly—and maybe the Clerk wants to chime in on this. It's what used to happen here. We did very little by way of regulation. When I came here in 1990—and I imagine there was hardly none at all way before that—bills, once they got into the House and they got into committee, didn't delegate the authority to regulation. Essentially, what was in the bill was in the bill. So it doesn't add any work, and maybe the Clerk wants to chime in.

**The Clerk of the Assembly (Ms. Deborah Deller):** Some things lend themselves to being done by regulation. You're talking about the Ontario college of—well, any of them: physicians and surgeons, teachers, that kind of thing. The governance of those lends itself to being done by regulation.

I think at the first meeting, Mr. Schein asked me what are the things that keep me up at night. This is one of them, and this is why: There is an increasing propensity—not just with this government; it's happened over time—to present bills to the House that are essentially frameworks, and the guts or the meat of the bill is left to regulation. What that means is that, down the road, if that is going to be changed, it can and is changed by cabinet, not by the House itself. Some of those things that are left to regulation are significant and have a significant impact. While we have a good and judicious government, that's fine, but the risk is that you have a government that's less judicious, and now a whole myriad of things that affect a large portion of the population of the province can be done simply by regulation.

So I guess what I'm seeing is that there was a time when the detail—not the regulation, because it wasn't done by regulation—of a piece of legislation was actually in the legislation. We weren't looking at two pages that made up the bill and then 100 pages of regulation that followed some time later, so that when a committee was in consideration of the bill in public hearings, it actually knew what it was talking about, because it was there in front of them in the legislation. They weren't talking about the theoretical regulation that was coming down some time later.

**Mr. Gilles Bisson:** To add to that, there's a real danger that a future government can come in and completely turn on its head what the intention of a particular piece of legislation was. I think that's scary, from a democratic perspective, so I think we need to look at it. What the fix is, I'm not 100% clear, but I think the committee needs to look at that and say, "How do we prevent that kind of situation from happening?"

**The Clerk of the Assembly (Ms. Deborah Deller):** It's not just here, by the way. You're not alone.

**Mrs. Donna H. Cansfield:** I appreciate that, but I suspect that there's some bills that need two pages and some that need 12. I mean, I recall the conservation bill. It was a very extensive bill and it had probably 20 pages attached to it, because I carried that bill here eight years ago. So yes, I appreciate that there are some that come in and they're a couple of pages. I suspect it lends itself to whatever the bill might be.

I appreciate the fact that you might have a less-than-circumspect government in the future. The issue for me is the issue around the consultation, as opposed to predetermining those regulations being written by a committee, or if you put in the consultation with the committee, it draws out the whole length. One of the things that happens is that a government can sit, as it did with Mr. Harris, 20 days, or it can sit 200 days. The work that's generated is based on the amount of time you're in the Legislature, really. So for me, the idea is: How do you, then, put substance behind that regulation, other than the people just sitting around a table? And that's the issue of consultation, the posting on the EBR, the engagement that should take place with a bill that formulates those regulations after consultation takes place, not before—you know, if the regulation is first written and then you consult, that, to me, is a different kind of consultation. So it's a process issue for me.

**Mr. Gilles Bisson:** But the point that I'm making is that very little was left to regulation. Bills that were drafted were essentially pretty clear about what they wanted. They weren't a framework. They were, "The legislation will empower the minister to," and would describe what the minister can do when it came to that particular issue.

The only thing we really delegated was the very technical things. Writing a forest management planning manual: That kind of stuff doesn't lend itself well to our process. You need foresters and biologists and all of those people to do that. So all I'm suggesting is that we need to look, I would argue, at how we limit the amount of authority that we delegate by way of bills, would be my first part. The second part: We need some sort of mechanism so that the Legislature has some say about changes to regulation and the drafting of regulation in some way.

**Mrs. Donna H. Cansfield:** That's a different issue. It's actually a totally different issue. I'm still on the one around how you deal with the bills. I think there is merit to more fulsome bills, but I'm having a struggle around giving the prescription to the committee to write regulations in some—

*Interjections.*

**Mr. Gilles Bisson:** You don't leave it to regulation. You draft it in the bill.

**Mrs. Donna H. Cansfield:** Because the bills will be so fulsome, but you can't regulate—you can't demand that.

**Mr. Gilles Bisson:** It's what we used to do. Most bills—

**Mrs. Donna H. Cansfield:** But it wasn't in your orders that no bill could come forward unless it was 20 pages long.

**Mr. Gilles Bisson:** No. It's because no government in the past—they didn't use their delegated authority. They did it in the bill, and so members of committee—anybody who has been here for any length of time would have seen the day when there was less delegation of authority. What you saw was less of a framework; the bill was prescriptive. I'm saying: Make it more prescriptive and have some mechanism for the regulation to be vetted.

**Mrs. Donna H. Cansfield:** I don't know how you can mandate that.

**Mr. Gilles Bisson:** What's that? Sorry, Donna. I didn't hear you.

**Mrs. Donna H. Cansfield:** I just didn't know how you could mandate that process, to be honest with you. I don't see how you can demand that the bill must be—

**Mr. Gilles Bisson:** You can do it in the standing orders fairly easily, but in fact it's what used to happen here. Maybe the Clerk just wants to speak to that very quickly.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm not sure either. It's maybe a symptom of trying to rush legislation: It's not really quite ready, but there's a desire to get the legislation out there and in front. My sense is that sometimes what you're looking at is just incomplete legislation, and that's why the meat of it has largely been left to regulation.

I guess there are two ways of going about it. I think one way is probably more complicated, and that is: Is there something you can put in the rules that would prevent that from happening? I don't know.

The other is: Do you strengthen—I think it's what the regs committee is asking for. Do you take a look at what it is they're able to do in their regulations review and somehow strengthen that a little bit, or make a sunset provision where if, regulation is changed, it has to be highlighted and sent to the committee in a certain period of time, something like that?

**The Chair (Mr. Garfield Dunlop):** Bas?

**Mr. Bas Balkissoon:** Yeah. I just wanted to jump in and say that I'm having difficulty understanding how you did it in the past, because if you crafted a bill as a draft bill and it goes through the process, it does go through amendments and changes before it reaches the final stage. I think, over time, regulation increased because it facilitated better legislation in terms of the government and the ministry actually getting something that they can implement.

So, before we go down this road, I would say that if Gilles is telling me that it used to happen without that many regulations and then we've transitioned to this state, there's probably a good reason why we transitioned to this state, or maybe there's a bad reason, but we need to do some research before we tackle this.

**Mr. Gilles Bisson:** Oh, I don't disagree.

**Mr. Bas Balkissoon:** If somebody out there in the ministries or wherever could tell us why governments have moved to this new process.

**The Clerk of the Assembly (Ms. Deborah Deller):** Certainly it's more expeditious for the government. What it has done is excluded the participation of the House.

**Mr. Bas Balkissoon:** Excluded the participation of?

**The Clerk of the Assembly (Ms. Deborah Deller):**  
The House.

**Mr. Gilles Bisson:** Essentially what it does is, it empowers the executive and it diminishes the legislative. Essentially what we're doing is, it's a bit of an American style of politics, I think personally. All I wanted was that we should get a good presentation on that so that people can get their heads around it.

**Mr. Bas Balkissoon:** But I think we should hear from the ministry staff themselves, and the politicians.

**Mr. Gilles Bisson:** I don't disagree.

1350

**The Chair (Mr. Garfield Dunlop):** But just for part of that discussion—I don't want to make this more complex, but when we pass a bill in the Legislature, it's proclaimed and it goes off, and regulations are created by ministry staff, etc. But we never really ever see those regulations again, until we have to look it up or you might have to comment on a website or something. Has there ever been an opportunity, before they're adopted by cabinet, that we can look at those?

**Mr. Bas Balkissoon:** No, it comes to this committee. Not in full detail, but some of it comes.

**The Clerk of the Committee (Mr. Trevor Day):** Not in advance of them actually being—that committee will look at regulations once they're out there.

**Mr. Gilles Bisson:** The only time you see them is when they're gazetted. The only time you see the regulation is once it's gazetted. Once it's gazetted, you get to see it. But the point is, then it's too late. It's done; finished.

**Mrs. Donna H. Cansfield:** So it's gazetted before the Standing Committee on Regulations and Private Bills gets it?

**Mr. Gilles Bisson:** That's right. Once the bill is passed at third reading, regulations are written. Once they're approved by cabinet, they're gazetted, and that's the point that you get to see them.

**Mrs. Donna H. Cansfield:** But they're also on the EBR. They're also out there. Absolutely.

**Mr. Gilles Bisson:** To a degree.

**The Clerk of the Assembly (Ms. Deborah Deller):** Their cabinet office will make them available. There are hundreds of them. Cabinet office will make them available, but I guess the point is, they're done.

**Mr. Bas Balkissoon:** But the stakeholders have given input into some of these regulations.

**The Clerk of the Assembly (Ms. Deborah Deller):** Not always. How do you know that?

**Mr. Bas Balkissoon:** Well, Donna has been in cabinet, so she could speak. My understanding is, the ministry staff do consult with stakeholders sometimes on crafting the regulations.

**Mr. Gilles Bisson:** The stakeholders don't always agree. The more important point: The legislators who debated and who dealt at the committee level of the bill never get to see them. The only time you see them is once they're gazetted. Once they're gazetted, you can

then pull them into the Standing Committee on Regulations and Private Bills, but you can't change it. "Oh, that's nice. Let me see what that one does. Oh, that's wonderful." And on we go. There's no mechanism for the Legislature to have a say.

All I'm saying is, if we're legislators, which we are, we should have the ability to be clear in what a bill is doing. There may be good reasons to do regulation, and it lends itself well to certain bills, I would agree, but we need some sort of a mechanism that the Legislature vets them in some way.

The other point I would make: We shouldn't rely on regulation as a way of drafting legislation. We should draft legislation, and regulation should be used sparingly.

**The Chair (Mr. Garfield Dunlop):** Over the years, it's one of the things that I've heard a lot of comments about: What were the regulations? A lot of people don't understand them and how we get there. I've had a number of people say to me, "The intent of the legislation we passed in the House was changed with the regulations." We hear about that. I've heard that on a number of occasions. So is this something that we can chat about a bit more?

**Mr. Steve Clark:** It's a common complaint.

**The Chair (Mr. Garfield Dunlop):** Yeah, it is common.

**Mr. Steve Clark:** The other complaint that I see, Chair, is what's crept into legislation about these ministerial reviews. Compared to a review coming back to committee once—I'm thinking of, Gilles, forest tenure, where we talked about it at committee, and having the ability to bring that bill back after the review period, and that's not there. We're abdicating our responsibility as legislators by allowing that to go into a bill. There's political will to review it and to discuss it, and it's totally taken away from us in our piece of legislation and going back to a minister or the government of the day as opposed to where the legislation was originally debated. So there are a couple of things there.

**The Chair (Mr. Garfield Dunlop):** Can we find out—or maybe we already have this here—what do other jurisdictions do: exactly what we're doing? Or is there any other—anything down the road?

**The Clerk of the Assembly (Ms. Deborah Deller):** How they deal with delegated legislation?

**The Chair (Mr. Garfield Dunlop):** I think, of all the things we hear, Deb, that's the one thing I could say that I probably hear most about in committee: "The regulations are not—we've lost the intent," or whatever. So can we get some feedback on what some of the other jurisdictions may do on that?

**The Clerk of the Assembly (Ms. Deborah Deller):** Could I make a suggestion? This, to me, is a really large issue and a large discussion. I would set it outside of the committee discussion because, while it's related, it's really an entirely different subject matter. So I would, if I were the committee, set the delegated-legislation subject aside for now while you're dealing with the committee discussion.

**Mr. Gilles Bisson:** I only raised it within committee because of the letter that we got from Mr. Tabuns, the Chair of the standing committee, because he kind of touches on it. I agree with you: We should do that as a stand-alone part.

I agree with Mr. Balkissoon: We need to get experts to come before our committee to talk about: Why are we doing this? Is it good? Is it bad? What's the experience? Can we—

**The Chair (Mr. Garfield Dunlop):** Does this not impact—I'm sorry—

**Mr. Gilles Bisson:** It impacts committees, absolutely.

**The Chair (Mr. Garfield Dunlop):** I guess what I was getting at, though, was that I thought that would be a responsibility that we would want to make recommendations on in this committee.

**Mr. Gilles Bisson:** Yes.

**The Chair (Mr. Garfield Dunlop):** But you're saying to set it outside of it?

**Mr. Gilles Bisson:** No, she's saying to set it outside the committee. We're reviewing committee function; it should be, in itself, an item that we look at, aside from private members' bills, aside from committees. We should have a section—

**The Chair (Mr. Garfield Dunlop):** I'm comfortable with that, but I just think it's worth the conversation.

**Mr. Gilles Bisson:** Oh, absolutely.

**The Clerk of the Assembly (Ms. Deborah Deller):** Oh, no, no, absolutely. What I'm suggesting is that you're trying to deal right now with the discussion on the committee system, and while this might be related, it's really a quite large and distinct subject by itself.

**The Chair (Mr. Garfield Dunlop):** Yes, but I think—correct me if I'm wrong, but is it part of our responsibility to comment on that?

**The Clerk of the Assembly (Ms. Deborah Deller):** Sure.

**The Chair (Mr. Garfield Dunlop):** Okay, you're comfortable with that? Because I think it's—okay, all right.

Other comments on committees?

**Mr. Gilles Bisson:** I'm taking that there's going to be a presentation.

**The Chair (Mr. Garfield Dunlop):** Okay, let's turn it over to the Clerk. She probably has a few comments.

**The Clerk of the Assembly (Ms. Deborah Deller):** I was really going to give a kind of historical perspective. I will say, though, that from our point of view, as the staff to your committee, we find the kind of discussion you've just had helpful, because it helps us understand what it is that you are concerned with, with respect to some of these issues.

You have in front of you a paper that was prepared by our Journals and Procedural Research Branch that really is a very complete document that goes through the history of standing committee reform in this Legislature. I'm not going to take you all the way through the paper; I think I'm just going to highlight a few things.

It starts in 1972, I think. I'm just going to kind of gloss over the pre-1972 section, only because that was the sort of—

**The Chair (Mr. Garfield Dunlop):** Deb, can I just—are we on the same page? What—

**Mr. Steve Clark:** History of Standing Committee Reform.

**The Chair (Mr. Garfield Dunlop):** Okay, that one there. Sorry. Thank you. Does everyone have that one?

**The Clerk of the Assembly (Ms. Deborah Deller):** I think Ms. MacLeod mentioned that—in the beginning of the Parliament we used to operate largely on the basis of select committees. In other words, they were struck for a specific purpose; once they completed that, they were gone. We didn't really have a permanent committee process. When discussions started to emerge in terms of strengthening our committee system was in the 1972-75 era with John Robarts, and at that point there were some discussions about the committee system and how we might strengthen it. One of the things that happened in that era was the Camp commission. The Camp commission was developed to really take a look at all aspects of the Legislative Assembly operation, both procedural and administrative, and to make recommendations to the House about how its independence could be asserted, how its role could be strengthened.

One of the reports that they did was on the subject of the committee system, and it made pretty radical proposals to revamp the committee system. It recommended that committees be struck on an ad hoc basis to consider individual bills, so every time a bill was referred out, there would be a committee struck to deal with that particular bill. Then it also recommended that there would be some other kinds of committees that were permanent and specialist committees. Those specifically were justice, social development, and resources development, and then another committee that would have responsibility for examining and reporting on petitions—that was an interesting idea—a ministerial undertaking that hadn't been fulfilled within a certain time period and, interestingly, the Ombudsman reports. Then they also recommended striking permanent committees for things on procedure and administration.

The Camp commission also at that time recommended that there needed to be both training and support for Chairs and that there had to be an administrative structure that would support the committees because obviously they were recommending that there be permanent committees, that they would have expanded powers, so there needed to be some support.

1400

Up until that time, the standing orders were virtually silent on committees in the House. The committees were decided by motion of the House. There wasn't really much in the standing orders that spoke to what the procedure should be in committee, but committees largely operated using the standing order that the House used to conduct their business in committees.

The 1975-77 minority Parliament brought about the Morrow committee, which again considered the committee system in Ontario, and that was actually a kind of watershed moment because that committee came up with recommendations that formed the basis of what we currently have as a standing committee structure.

They envisioned four large committees that would consider estimates and bills within their field, so those are what we consider to be our policy field committees now. They also envisioned a public accounts committee that was in existence at the time and would continue; a procedural affairs committee which is the precursor to this committee, which was a committee that would consider all matters of procedure in standing orders before Parliament; a member services committee, which we also used to have, which would consider the services that the House provides to members. That committee would consider everything from constituency office support to global allowances to high chairs in the dining room, which was one of the things that that committee decided on.

The Morrow committee recommended that—and this is interesting because if you go back to these recommendations, you'll be interested that we're still having these same discussions—"Committees should be free to schedule their own business, to meet concurrently with the House, and to sit during a recess if they so wished."

"Committees should be empowered to call witnesses and to travel—during the course of their business during both a session and a recess."

"The standing orders should have rules governing: the examining of witnesses, the rights of witnesses"—and the ability of committees to organize their own schedule and report.

They also recommended at the time that, "There should be a permanent all-party panel from which committee Chairs would be chosen."

Some jurisdictions have a similar kind of thing. Sometimes they call it a liaison committee. Sometimes they call it a committee of Chairs, and that committee can sometimes determine—it doesn't so much decide who should chair which committee, but it fulfills the function that we currently have fulfilled by House leaders where it'll decide which committees can have a budget for travel and which committees should travel and where and all that kind of thing.

There are a number of other recommendations that came out of the Morrow report; some of those recommendations were adopted. The House established four large policy field standing committees and four smaller committees. They created the standing order that says there has to be a five-day period after a bill is referred to committee before the committee can actually consider a bill—you'd be interested to know that we still have that standing order, although it's not widely recognized—but that the five-day period could be waived if 20 members stood in their place. Then there was a two-hour period by which amendments had to be filed before they could be considered in committee.

It also talked about estimates and established that about half the ministries would be referred to standing committees and that the order of estimates would be considered in rounds, as we do now. It talked about posting of committee meetings, referral of private bills—private bills, not private members' bills—to committee.

So there were a number of recommendations that came out of the Morrow report and a number of changes to standing orders as a result of those recommendations, which are very similar to what we currently have.

Then, between 1977 and 1981, two new committees were created at that time: the statutory instruments committee, which is now regs and private bills, as well as the members' services committee.

There were a lot of changes that came out of a report from the Standing Committee on Procedural Affairs at that time, but none of those affected the committee system. Particularly, some time later, the procedural affairs committee then assumed the task of continuing the discussion for the committee system, and it made certain recommendations again.

The report recommended the establishment of a finance and economic affairs committee, which was to consider some estimates and also review Ontario's fiscal and economic policy, and study the budget papers, what we now know as pre-budget. They also recommended a government agencies committee, which is established to review government agencies. At the time, that committee didn't have responsibility for public appointments, so it focused entirely on a review of government agencies. It also made the recommendations to establish a committees branch to provide administrative and procedural support to the committees, and also establish that Legislative Research Service should provide independent research for the committees. That report was made to the House and then it died in the House, without actually being acted upon.

Between 1981 and 1985, interestingly enough, the procedural affairs committee conducted a review of witnesses before committees. That fell out of the Ontario Law Reform Commission, which had made certain statements about the rights of witnesses before legislative committees. At that point, that committee considered things like Speakers' warrants, which we're all very familiar with right now.

The report also recommended a full Hansard service; up until that time, only estimates were recorded in Hansard. So you're talking now about having Web streaming of committees; in the not-too-distant past, we not only didn't have Web streaming, we actually didn't have a printed Hansard of committees.

In the time period between 1985 and 1987, again the procedural affairs committee made some recommendations in a report on the committee system: reducing the size of the committee to eight members; made some comments on the policy field committees; and said that bills should be considered in special legislation committees. So you can see that these discussions are a little bit circular. We've talked about them here; we've talked about them before.

The report was tabled in the House and was, in fact, debated in the House, but typically, what happens is that the House leaders and whips then take the subject matter of the report and they start having discussions, and that's what happened in this case. That process led to the adoption of new provisional standing orders in the House.

Provisional standing orders is a mechanism we use when the House wants to try something out, and so they will adopt standing orders on a provisional basis, usually with a clause that says that if there is no motion confirming these orders by a certain date, then they die.

That established 10 standing committees: justice, general government, resources development, social development, finance and economic affairs, government agencies, Ombudsman, Legislative Assembly, public accounts, and regs and private bills. Each committee was given detailed terms of reference, which you still see in the standing orders today. There was a whole section added to the standing orders again, which established the process and administration for the committees. They also adopted a substitution mechanism.

**1410**

That time also had them adopting the distribution of chairships in proportion to representation of parties in the House, and the mechanism we still have, which requires the government to respond to a committee report within 120 days of the tabling of the report, if the committee so requests.

In 1986 there was a discussion about appointments in the public sector. Then, after the 1987 election, the parties agreed to another round of procedural reform, and the House adopted new standing orders which provided for the creation specifically of the standing committee on estimates. On page 15 there's a whole list of other things that they continued to discuss.

Then we got to 1990. Between 1990 and today, I will say that reforms to the standing orders, and specifically reforms to committees, have really been either the result of discussions among House leaders or as a result of a motion by the government being put on the order paper and forcing a discussion to occur either at the House or among the House leaders. The changes in 1997 with respect to committees really came out of certain tactics that had occurred that same year with respect to committees. They gave Chairs, for example, the authority to declare that amendments were frivolous or vexatious, and to group similar amendments. This was in direct response to the 1997 12,000-amendment, nine-day, around-the-clock sitting of the Committee of the Whole House.

**The Chair (Mr. Garfield Dunlop):** Deb, can I ask a question, just for a second? Over the years, how many times in this history that you have here has a committee like we have today, the Standing Committee on the Legislative Assembly, tried to make the changes with a minority government status? Because most of these changes before have been done by the government, and they've had the majority to carry them, but without the full consensus of a committee. Not all committees over the years have been like we're trying to agree on every-

thing here. The ones in 1997, the ones earlier—do you know how many would have been done by a minority Parliament?

**The Clerk of the Assembly (Ms. Deborah Deller):** The changes in 1997 came about as a result of a motion in order to address a specific situation, and since 1990 that's what's typically happened. I would say that most of the standing order reforms of any significance have actually occurred in a minority Parliament situation, because it kind of forces everybody to sit down and start talking.

**The Chair (Mr. Garfield Dunlop):** Because this is the first minority Parliament since when—1985, 1987?

**Mr. Gilles Bisson:** It was 1985.

**The Chair (Mr. Garfield Dunlop):** Yes, okay.

**Mr. Gilles Bisson:** And 1975-77 was the one before that.

**The Chair (Mr. Garfield Dunlop):** Right, okay. Just curious; I want to make sure I'm clear on that. So we've got to get a consensus here; no one's going to ram something through here.

**Mr. Gilles Bisson:** That's exactly the point, and I think that's the real strength of what could happen here: that members can look at the perspective of what is right for members and leave the politics aside and figure out how we can move forward. I think that's what it should be.

**The Chair (Mr. Garfield Dunlop):** Sorry; go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** Really what that brings us to is the present day. Currently we have a number of committees in the House that have specific terms of reference set out in the standing orders. There are committees that deal with the financial matters of the House. The Standing Committee on Finance and Economic Affairs is authorized to consider and report to the House its recommendations on the fiscal and economic policies of the province. It spends its time, in reality, doing pre-budget consultation. Then, from time to time, a bill that has to do with the treasury will get referred to that committee for consideration as well. It can, by virtue of its permanent terms of reference, though, consider other fiscal matters on that subject, of its own initiative. That it doesn't is entirely the committee's discretion.

As an example—Trevor helpfully tells me—in the 35th Parliament the Standing Committee on Finance and Economic Affairs considered the issue of cross-border shopping, which at the time was a very big issue publicly. That committee decided, of its own initiative, to consider it.

The Standing Committee on Estimates is also a financial committee. It gives the ability for members to grill ministers and bureaucrats from a variety of ministries on their estimates proposal for any given year. Estimates, just for your information, used to be spread out among all of the committees of the House, depending on what their policy field was. So, if it was transportation, for example, it would go to the general government committee; if it was health, it would go to the social policy committee. It

wasn't until the creation of the Standing Committee on Estimates that there was one committee that was charged with considering the estimates of the government.

The public accounts committee is authorized to review and report to the House on its recommendations on the report of the Auditor General and the public accounts. Those reports are permanently referred to the committee. The interesting thing about that is, that means the committee can consider the most recent report that it has received from the Auditor General or the report from five years ago that it received from the Auditor General, which gives that public accounts committee a wide range of authority when dealing with any matter, almost, that the Auditor General has raised.

Then there are a number of oversight committees. Government agencies is one of those. Government agencies has the authority to review and report on all agencies, boards and commissions. It also has the authority to review any public appointments. It, in reality, spends its time largely dealing with public appointments. While it has the authority to do agency reviews, it rarely any more conducts any of those agency reviews. I suspect that has a lot to do with the amount of time it has to meet.

**The Chair (Mr. Garfield Dunlop):** Deb, I think Gilles has a question relating to this.

**Mr. Gilles Bisson:** I just want to highlight that last point that the Clerk made. There was a time when agencies and commissions played a much stronger role when it came to reviewing agencies. For example, we have a number of agencies, like the ONTC, Trillium, OLG—whatever it might be—and members used to actually take some time and say, “Let's take a look at what those agencies are doing so that we can learn more about what they're doing and we can make suggestions to the government, by way of a report of this committee, how to strengthen whatever it might be.” I think the difficulty is that we've gotten into—I don't know how to put it. Every government has done it, so this is not intended and directed at the current Liberal administration. The Tories did it; we did it. There is less of a want on the part of government to allow the committee to do this, so they use their majority on committee to stop it, to a certain degree. I would just say that we need to look at a mechanism. Again, why I talk about the call of the Chair and why I talk about giving committees the ability to do the work is that I think some of the best work we can do on that committee is not just to review appointments but to take a look at some of our agencies.

**The Chair (Mr. Garfield Dunlop):** Lisa has a comment.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry. Just to respond, my perception with respect to that committee is that it used to do agency reviews because that's all it had to do. When it changed was when it was given the additional responsibility of public appointments, and that usurped much of the committee's time, so the agency reviews were left to whenever they could get around to them.

**The Chair (Mr. Garfield Dunlop):** Lisa.

**Ms. Lisa MacLeod:** I fear I may have actually been the longest-serving member of all time on that committee. I certainly saw my share of members come and go as I sat on that committee.

In terms of the government agencies committee—and I think it's pretty valid that we actually talk about what committees we have in place here and if they're effective. You make a great point that the intended reason for that committee was to review crown corporations, agencies, etc., and then years later there was an ability for the committee to review intended appointees. I must say that—and it may be different as a result of being a minority government, but it's effectively a farce. There's no real mechanism, if somebody is unsuitable for an appointment, to send that back to the drawing board or back to the government.

The same is true that there's really not enough time to do in-depth study, although one would try, of a government agency or board or commission. So I think that we may want to consider how to do that so that it's a bit more effective. That is a committee that effectively could be looking into the operations of some of the issue that we've seen here: the eHealths, the Ornges. Those groups could effectively be going through that committee if that committee had more teeth.

1420

I will say this: In the past I've had witnesses in there who were controversial and weren't, I don't think, exactly—jeez, I won't say who—being truthful to the committee, and I felt that we had no way that there would be recourse if somebody was misleading one of our committees. I think that's a pretty serious issue. We've seen now what's happening with the public accounts committee, and of course with a warrant issued the other day.

I just felt that in the past we've had these issues. I must say I've come to the government's defence on a couple of things as well over the years where there's been spurious allegations made by a delegation. That said, there should be a review of how that committee conducts business—and I mean no disrespect to those currently sitting on it; it's just my own personal experience, having sat there for many, many years. I think there's a better way.

**The Chair (Mr. Garfield Dunlop):** Okay, Donna, and then I'll go back to the Clerk.

**Mrs. Donna H. Cansfield:** That actually raises the question about the mandates of the committees or to look at recommendations whether those mandates should be restricted or expanded. I think that comes to your point. Given the amount of time and the amount of work, what I call the art of the possible, it's nice to say you'd like to do all sorts of things, but what is it you can actually do? So maybe part of what we need to look at is the mandate of the committees and their function, and are they one and the same, and is it possible to do the things that we're asking the committee to do?

I don't disagree with Ms. MacLeod; there have been times when I've sat and thought that I'd like to ask some

more in-depth questions about a particular individual, and not from a political perspective necessarily but more from a personal perspective like, "Why are you here? Why did you really want this job?" And sometimes that's precluded; sometimes it's time; sometimes it's other situations. So maybe we can throw that in for discussion just around the general mandate.

**The Chair (Mr. Garfield Dunlop):** Deb, we'll go back to you. Sorry, we got you off-track there for a second, but lots of interesting points.

**The Clerk of the Assembly (Ms. Deborah Deller):** The next oversight committee is regs and private bills. It obviously reviews private bills, which is a necessary component, and I think the committee does a good job of that. It goes through clause-by-clause; it hears from the people it needs to hear from. They also have the responsibility to review regulations, and I will say there's a bit of a struggle with that committee in terms of keeping up with the review of regulations. And I guess maybe if you do have a discussion about delegated legislation down the road, the other thing you may want to look at is what exactly that committee is able to do with respect to its review of regulations, and should there be some kind of change to that?

The Legislative Assembly committee is this committee, empowered to review and report to the House its recommendations concerning the standing orders, procedures of the House, its committees and so on. This committee also has the mandate to review reports of the Ombudsman, which it doesn't frequently do; and then that goes back to a discussion we had, I think, last time about the possibility of having a committee that provides some oversight with respect to the parliamentary officers and, quite honestly, allows those officers to come before it and have a discussion about the reports that they present to the House.

The policy field committees: general government, justice policy and social policy—that's the discussion I think Gilles was talking about that you might have on standing order 111 and standing order 126, because it's those committees that are able to initiate those kinds of discussions. Those are the committees that typically consider legislation in our Parliament. Again, I guess the other discussion that we've had is whether or not it would make more sense for legislation relating to those policy fields—that was the idea when those committees were first conceived—that legislation relating to those policy fields should be sent to those policy field committees so that there was an expertise developed among members on those committees.

The only other thing that I was going to talk about today was Committee of the Whole House.

**The Chair (Mr. Garfield Dunlop):** Is that a separate document here, Deb?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah, you have a document called Committee of the Whole House, oddly enough—Committee of the Whole.

**The Chair (Mr. Garfield Dunlop):** I know this was one Gilles was really—

**Ms. Lisa MacLeod:** Is Gilles coming back? Are we able to move on to something else until he gets back?

**The Chair (Mr. Garfield Dunlop):** This is the only thing Deb had ready for today.

**Ms. Lisa MacLeod:** I see. Okay. Never mind.

**The Clerk of the Committee (Mr. Trevor Day):** If we could, maybe we could jump in just quickly—and I don't want to exclude him from it, but that request to the House leaders to possibly extend the duration of our mandate: We've got a draft letter; we've got some—

**Ms. Lisa MacLeod:** Perhaps we could move to that, so that—I say this because I've had no experience with Committee of the Whole House and I think he's the only member here who has.

**Mr. Bas Balkissoon:** None of us have.

**Ms. Lisa MacLeod:** Yeah, so I just think it might be useful to have him here for that part.

**The Chair (Mr. Garfield Dunlop):** Okay, no problem. I just want to check on this letter to the House leaders.

Here he is now.

**Ms. Lisa MacLeod:** I'd like to move the motion. No? Okay. It's the letter.

**Mr. Gilles Bisson:** So who's moving—

**The Clerk of the Committee (Mr. Trevor Day):** So far, nobody; it's just for discussion.

**The Chair (Mr. Garfield Dunlop):** Just for discussion right now, but we were prepared to—we weren't sure when you were coming back, but—

**Mr. Gilles Bisson:** Just one second; I'm dealing with another pressing matter.

**The Chair (Mr. Garfield Dunlop):** Okay. Let's deal with the letter, Lisa?

**Ms. Lisa MacLeod:** I'd like to move that the Standing Committee on the Legislative Assembly—

**Mr. Gilles Bisson:** Please do not vote. I want to discuss this.

**Ms. Lisa MacLeod:** Where'd he go?

**The Chair (Mr. Garfield Dunlop):** Read it. Read it, and we'll have a vote.

**Ms. Lisa MacLeod:** I move that the Standing Committee on the Legislative Assembly is currently undertaking a review of the standing orders and has agreed to seek authorization from the House to extend the duration of the committee's membership.

I would therefore respectfully request that a motion be presented to the House extending the duration of the Standing Committee on the Legislative Assembly's membership beyond "the first day of the 2012 fall meeting period" as ordered by the House on February 23, 2012.

On behalf of the Standing Committee on the Legislative Assembly, thank you for your consideration of this request.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, hold on. There's a letter here, and this was just the middle of the letter. So we can agree on the wording for the letter, if the committee so chooses.

**Ms. Lisa MacLeod:** And I think now everybody knows that if you put something in front of me, I'll read it out loud, before I read it—

**The Chair (Mr. Garfield Dunlop):** Okay, so Gilles had a comment on this.

**Mr. Gilles Bisson:** I would ask the committee to hold off on this because we are discussing this at House leaders. There is an understanding, and it's fair to say that the three House leaders understand that there needs to be a continuation of this committee beyond September. Can you just please give us a bit of time to work out how? This may actually not help us.

**The Chair (Mr. Garfield Dunlop):** So can we withhold this for the time being?

**Mr. Gilles Bisson:** Yes.

**The Chair (Mr. Garfield Dunlop):** Lisa, can we withhold this for the time being, your motion?

**Ms. Lisa MacLeod:** Sure. But only for seven days.

**The Chair (Mr. Garfield Dunlop):** Okay. We'll see if we can come up with—

**Mr. Gilles Bisson:** I'll explain it. You'll see why.

**The Chair (Mr. Garfield Dunlop):** We'll look at it next week and see what the chances are.

If we can go back to Committee of the Whole—that was interesting. We wanted to save this for you, Gilles.

**The Clerk of the Assembly (Ms. Deborah Deller):** Since you have—none of you have experienced Committee of the Whole House except for Gilles?

**Mr. Gilles Bisson:** It's actually wonderful. It is one of the neatest ways of dealing with matters having to make some minor change to a bill. You bring it into Committee of the Whole; it's a very good process. She's going to talk all about it because she's a big fan too.

**The Clerk of the Assembly (Ms. Deborah Deller):** I am.

Committee of the Whole House is actually a committee that is made up of every member of the House, and it meets in the chamber. What typically happens is that when something gets referred to Committee of the Whole—we don't currently have anything referred to Committee of the Whole and we haven't had anything referred to Committee of the Whole for several years. But when something gets referred to Committee of the Whole, it will appear on the order paper under the heading "Committee of the Whole House," and there will be a listing of everything that has been referred to Committee of the Whole House.

1430

What typically happens then is the Speaker will say, "Orders of the day," and during orders of the day the government House leader will call the order for Committee of the Whole House. At that point, the House resolves itself into committee.

The Speaker comes down out of the chair, the Clerk leaves her chair—and this is not why I like it—and the presiding officer then takes the Clerk's chair at the table as the Chair of Committee of the Whole House, so the throne—

**The Chair (Mr. Garfield Dunlop):** The Speaker does that?

**The Clerk of the Assembly (Ms. Deborah Deller):** It's usually not the Speaker. It's usually one of the deputies who will take the chair as the Chair of Committee of the Whole House, so the throne is empty at that point. And then the House conducts itself just as a legislative committee does, except it's in the chamber and every member has the opportunity to come in and discuss whatever the subject is.

Typically, Committee of the Whole will meet to do clause-by-clause of legislation. So it can be used in instances where it's agreed or determined by the government, for example, that an amendment needs to be made or amendments need to be made to legislation, but it's really not necessary to go to public hearings. That could be for a couple of reasons. It might be that it's just generally agreed that it's not necessary, but it could also be that the bill has already gone out to committee after second reading for public hearings, it's already been reviewed in standing committee and it's already been reported back to the House.

Now there is—and you know that this has happened—a concern that something should have been changed that didn't get changed, that got missed, or something went awry in committee. If you don't want to send it back out to standing committee, Committee of the Whole is the perfect venue for that. So bills can be referred to Committee of the Whole either immediately after second reading, or they can be referred to Committee of the Whole after they've been reported back from standing committee review.

The process, then, is that once the Chair has taken his place for Committee of the Whole, the parliamentary assistant or the minister who's responsible for that piece of legislation is allowed, under the rules, to move down to the first row, if they're not already in the first row. There is a table. You may have noticed that table that sits behind the Speaker's throne in the legislative chamber. It's actually there for a purpose. That's the Committee of the Whole table, and it gets brought out and put in front of the desk of whoever the minister or parliamentary assistant it is that has carriage of the legislation, and then up to three staff from the ministry are allowed to come on to the floor of the House and occupy that table to assist the minister or parliamentary assistant with dealing with questions that may come up from members as they review the bill.

The Chair will ask, "Are there any comments, questions or amendments, and if so, to what sections of the bill?" and at that point, any member of the House can indicate that they either have something to say or they have a question or they have an amendment on a certain section of the bill, and the Chair will then go in order, just like we do with clause-by-clause in standing committee.

It is a much less formal procedure in the chamber than the House, constituted in its normal fashion, is. It provides the opportunity for all members to participate in

the clause-by-clause process, so it operates much like a committee. Members can speak more than once, obviously, because they can ask more than one question and they can move more than one amendment during the clause-by-clause process. Clause-by-clause proceeds in Committee of the Whole House much like it does in any standing committee.

At any point, there can be a motion that the committee rise and report progress. So you don't need to complete clause-by-clause consideration before the committee can adjourn. You don't even need to get very far in the clause-by-clause process. There can be a motion that the committee rise and report. If that motion is carried, the Chair then moves back up to the dais and indicates to the House that the committee wants to report progress. The House agrees to that motion and the House resolves itself back into its normal configuration. So that's kind of a Reader's Digest version of Committee of the Whole House.

**The Chair (Mr. Garfield Dunlop):** Why did we do away with that? And then Bas, sorry.

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, we didn't really do away; it still exists. There wouldn't be any required change to the standing orders to re-employ the use of Committee of the Whole House, because it all still exists in the rules.

What happened, though, was in 1997, on April 2, when the House was considering the city of Toronto amalgamation legislation, there was a time allocation motion that had been passed by the House that said that when this bill is considered in Committee of the Whole House, the Committee of the Whole House shall—not “may”; “shall”—meet until completion of clause-by-clause consideration of the bill. Then what happened was that first the New Democrats and then the Liberals—although they had fewer amendments—but the New Democrats filed somewhere in the neighbourhood of 9,000 or 10,000 amendments to the bill. The Liberals, for their part, I think, filed something less than 2,500 amendments. So we were looking at somewhere in the neighbourhood of 12,000 amendments at that committee.

For reasons that still escape me, the government called Committee of the Whole anyway that afternoon. We went into Committee of the Whole at about 3 o'clock in the afternoon, and once we were in, there was no way to get out because we were operating on an order of the House to meet until we had completed clause-by-clause consideration. That caused the House to meet around the clock for nine days, because we were unable to get out of Committee of the Whole House. Since then, there has been a reluctance on the part of any government to go into Committee of the Whole House.

But I will say this: The reason for that impasse in the House was more a function of the time allocation motion and its wording rather than Committee of the Whole by itself. Absent the time allocation motion in that circumstance, Committee of the Whole would have quite easily been able to get back out and into the House, so it wouldn't have happened. It was the time allocation

motion that caused a situation where Committee of the Whole House was operating under an order of the House and couldn't rise and report.

**The Chair (Mr. Garfield Dunlop):** Steve, do you have a question?

**Mr. Steve Clark:** So that was an order of the House in April 1997. You say that it has met eight times since 1998. Other than that faithful 10-day debate, give me some idea of why Committee of the Whole House was used since 1998.

**Mr. Gilles Bisson:** Or before 1998.

**Mr. Steve Clark:** It says that it has met eight times since 1998—the last line of the report.

**The Clerk of the Assembly (Ms. Deborah Deller):** Usually to—sorry?

**The Clerk of the Committee (Mr. Trevor Day):** To fix a bill after it has been out to committee if something has been missed.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah. Usually, it's to clean up a bill after it's been considered by a committee.

**Mr. Gilles Bisson:** So what could happen—you're in third reading. All of a sudden, in third reading debate, some stakeholder comes to a critic, the minister or whatever and says—

*Interjection.*

**Mr. Gilles Bisson:** Oh, sorry, were you ahead of me? Go ahead, please.

**The Chair (Mr. Garfield Dunlop):** I'm sorry.

**Mr. Gilles Bisson:** No, no, sorry. Bas, go ahead.

**Mr. Bas Balkissoon:** You called Steve. You said “Steve” and then me. I'm sitting there going, “Okay.”

**The Chair (Mr. Garfield Dunlop):** I'm sorry; it's my fault. He's giving you a chance. Go ahead.

**Mr. Bas Balkissoon:** I just had a quick question of the Clerk. I read this, but it doesn't clearly state to me, so maybe you can clarify it. It says that a bill intended for committee scrutiny after second reading could be referred to the Committee of the Whole. Who was doing the referral? Was it the government? Was it any member? How was it done?

**The Clerk of the Assembly (Ms. Deborah Deller):** Currently, what happens is that when a bill receives second reading, the Speaker will say, “Shall the bill be ordered for third reading?” and somebody yells, “No!” Then the Speaker will look to the minister responsible for the bill for an indication of where the bill should go. The minister currently has the ability to say, “Committee of the Whole House,” but then we also have a provision—and I've forgotten how many members, because we never use it—but if the minister says, “Committee of the Whole House,” the opposition can, by virtue of standing a certain number of members, force the bill into a standing committee.

Then, when the bill is considered—let's say it goes to standing committee and it's considered in standing committee. When it comes back and the bill is reported back from committee, the Speaker then says again, “Shall the bill be ordered for third reading?” There's an opportunity

again for it to be referred to Committee of the Whole House instead of ordered for third reading.

**Mr. Bas Balkissoon:** By anybody, or the minister again?

1440

**Mrs. Donna H. Cansfield:** Whoever has the bill.

**The Clerk of the Assembly (Ms. Deborah Deller):** No, I think the minister.

**Mr. Jonah Schein:** When would that be used? Are there advantages in the public good for Committee of the Whole? Are there political advantages of bringing it before the Committee of the Whole? I don't understand what kind of scenario this would happen in.

**The Clerk of the Assembly (Ms. Deborah Deller):** Typically, it's when there's a general understanding that there are amendments necessary but maybe public hearings aren't required; or if the standing committees are otherwise occupied and there's a desire to get a piece of legislation through the process without having to send it out to a standing committee—

**Mr. Jonah Schein:** For expediency.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah, it could be for expediency. The other thing is, it's a fail-safe: make a mistake in standing committee, and it can usually be corrected in Committee of the Whole House.

**The Chair (Mr. Garfield Dunlop):** Any other comments on this or anything you have to add today, Deb? I know that you seem to like the idea of Committee of the Whole, or you sort of—

**The Clerk of the Assembly (Ms. Deborah Deller):** I think that Committee of the Whole has a useful function.

**Mr. Steve Clark:** I just want to get my head around some of the examples that have happened since 1998—not this minute.

**The Clerk of the Assembly (Ms. Deborah Deller):** We'll get—because I'm going to have to—

*Interjection.*

**Mr. Steve Clark:** I'd like to get my head around it.

**The Chair (Mr. Garfield Dunlop):** Okay. We'll have a list prepared for that—the examples.

**Mr. Steve Clark:** Sure. There are only eight times. It's not like we're talking about volumes here.

**The Chair (Mr. Garfield Dunlop):** Any other comments from any of the committee members on this? Bas, did you have anything else to ask about Committee of the Whole?

**Mr. Bas Balkissoon:** The only thing would be, Mr. Chair—

*Interjections.*

**Mr. Bas Balkissoon:** —this today, and Mr. Bisson is the one that raised the issue, so maybe we need to hear from him what it is he wants.

**Mr. Gilles Bisson:** What's this?

**The Chair (Mr. Garfield Dunlop):** We want to get a few more comments from you, Gilles. You had supported this, and the Clerk—

**Mr. Gilles Bisson:** The Committee of the Whole? Okay, the reason why is simply this: A bill goes into

committee after second reading, and there are public hearings. The bill is amended and sent back to the House for third reading debate. You're now into third reading debate. The minister finds out, "My God! We should've done this amendment." A critic finds out, "Oh, my God, we should have done this amendment," and goes to the minister. The minister says, "You know what? You're right." That has actually happened. It has happened a number of times. The House, at third reading, resolves, and it goes into Committee of the Whole. It's a way of taking the bill from third reading and being able to amend it so that the bill actually does what the government or the Legislature wants.

There's nothing that prevents us from doing it now. It's mostly cultural, I would say. It's mostly—

**The Clerk of the Assembly (Ms. Deborah Deller):** It's fear.

**Mr. Gilles Bisson:** Mostly fear.

**Mr. Bas Balkissoon:** But we, as a committee, can't change a culture of fear.

**Mr. Gilles Bisson:** No, but I think the point that I'm making and I think what the Clerk is making is that the first way to change a culture is to start having the discussion here and amongst our caucuses. Is there something in the standing orders that would allow us to give the government some comfort that they won't get hijacked in Committee of the Whole? I don't know; we're just putting it on the table.

**The Chair (Mr. Garfield Dunlop):** Thanks, Gilles. Lisa?

**Ms. Lisa MacLeod:** I have a sort of selfish question that has to do with legislation already in a committee—further to this morning, I guess. I want to be very clear on the process. When a member ceases to be a member of the assembly yet has legislation before a committee—and I spoke to the table earlier—that bill is still in committee unless it is discharged by the committee?

**The Clerk of the Assembly (Ms. Deborah Deller):** Effectively, at whatever stage it's at, any legislation in the name of that member who's no longer a member will do what's called "die on the order paper," meaning that at prorogation, it will drop off the order paper; it won't be proceeded with. You cannot, in the interim, proceed with that legislation in that member's name any further than it already is, because there is no sponsor any longer of the bill.

**Ms. Lisa MacLeod:** Further to that, however, I guess the question is: If that bill were to be reintroduced after that member had left, it wouldn't be ruled out of order? It would be ruled in order because that bill that would have been at committee stage would, effectively, no longer exist?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**Ms. Lisa MacLeod:** Good to know; thank you.

**The Clerk of the Assembly (Ms. Deborah Deller):** There are a couple of ways that it can be dealt with, if the House wants to, most effectively with unanimous consent. The bill can be reintroduced and then sent out to

committee at the same stage it was when the member resigned as a member.

**Ms. Lisa MacLeod:** Okay. So, similar to what we—

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** You probably made this point, but it just dawned on me. The problem we got into in the 1990s on the megacity bill was, because of the way the time allocation motion was worded, it made it such that we, as the opposition, were able to muck up the process by putting a whole bunch of amendments. The reality today is, the government could decide to use the Committee of the Whole and not be in that situation, because the situation was only created because of the way the time allocation motion was written.

**Mr. Bas Balkissoon:** But Gilles, you know that you can write the best procedure or the best bill, and somebody will figure out how to find a loophole.

**The Chair (Mr. Garfield Dunlop):** Okay. Any other comments on Committee of the Whole that anybody would like to make?

**Mr. Gilles Bisson:** I just think we should look at whether there's a way to prevent that from happening. Because I agree: Committee of the Whole and no process of the Legislature—the principle of Parliament is, government must be able to pass its bills. Opposition must be able to keep the government to account. Those are the two principles by which a Parliament operates.

I agree with you that we should not allow a mucking of the process that prevents the government from being able to get its business through, but on the other hand, there needs to be a bit of a balance about the role of the opposition and government in that process, number one. Number two is, there certainly is a way, I think, of looking at the Committee of the Whole by way of the standing orders that would allow both those principles to be maintained.

**The Chair (Mr. Garfield Dunlop):** Okay. Steve?

**Mr. Steve Clark:** Just a question through you, Chair, to the Clerk. The reason that the House kept going was because of the way that motion is worded. If there wasn't a motion worded that way, what's the time frame on Committee of the Whole House? When it says there's no limit on the number of times a member can speak, you would still—regardless of whether it says "shall," you could keep going, unless there was some consent—

**The Clerk of the Assembly (Ms. Deborah Deller):** You could, until somebody gets the floor and moves that the committee rise and report, which is the same as an adjournment motion. It's non-debatable and it gets decided right away and then, presumably, the vote carries and we go back into the House.

**Mr. Steve Clark:** Revert back and—okay.

**The Chair (Mr. Garfield Dunlop):** We're probably coming to the end of this session today. There was a comment you had about a delegation?

**The Clerk of the Committee (Mr. Trevor Day):** Just for everyone, we have a delegation from Ghana who's looking to meet with our committee, if possible, next Tuesday from 9:15 to 10:15. I will alert all of your offices and you can respond accordingly. I just wanted to let you know.

*Interjection.*

**The Clerk of the Committee (Mr. Trevor Day):** Ghana delegation.

**Ms. Lisa MacLeod:** Why can't we go to Ghana to meet the delegation?

**The Clerk of the Committee (Mr. Trevor Day):** We'll try to set that up with them when we talk to them on Tuesday.

**Mr. Gilles Bisson:** We need reciprocal hospitality for visits.

**Ms. Lisa MacLeod:** Yes, we want a friendship agreement here.

**The Clerk of the Committee (Mr. Trevor Day):** We'll set that up.

**The Chair (Mr. Garfield Dunlop):** But seriously, though, is it just our committee?

**The Clerk of the Committee (Mr. Trevor Day):** They'll be meeting with a number of committees. They're in town that day and there are some other committees they're meeting with. That's what they've asked of us.

**Ms. Lisa MacLeod:** Maybe we can ask them how they do their standing orders.

**The Clerk of the Committee (Mr. Trevor Day):** Next Tuesday at 9. The time isn't great. It's right around when the House is sitting. We'll send something out to your offices. I just wanted to put it on your radar—

**The Chair (Mr. Garfield Dunlop):** But for courtesy's sake, we're responding to them?

**The Clerk of the Committee (Mr. Trevor Day):** I'm going to make sure you're there, and then we'll see about the rest of us. We'll see how it goes.

**The Chair (Mr. Garfield Dunlop):** All right. I just wanted to make sure—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Okay, ladies and gentlemen, with that, we'll adjourn the meeting until next Wednesday at 12 o'clock. Are we still having lunch?

**The Clerk of the Committee (Mr. Trevor Day):** If we're going to have lunch, then the meeting starts at 1 p.m.

**The Chair (Mr. Garfield Dunlop):** Is that okay with everyone? The meeting is adjourned now.

*The committee adjourned at 1449.*

## **CONTENTS**

**Wednesday 2 May 2012**

Standing orders review .....	M-107
------------------------------	-------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

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Mr. Jonah Schein (Davenport ND)

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Mr. Trevor Day

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2011  
C20  
- L20

M-9



M-9

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Standing orders review

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Première session, 40<sup>e</sup> législature

## Journal des débats (Hansard)

Mercredi 9 mai 2012

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 9 May 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 9 mai 2012

*The committee met at 1304 in room 228.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** Hello, everyone. We'll call the meeting to order. Thank you very much for being here. We'll continue on with our Standing Committee on the Legislative Assembly, the committees section. How do you feel like proceeding at this point?

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Guys, would you like to deal with the options we have laid out, or just the committees?

**Mr. Gilles Bisson:** I thought we kind of agreed that the clerk was suggesting we do the committees and we move on to the other stuff, I think is what I heard.

**The Chair (Mr. Garfield Dunlop):** Okay. Let's go with that direction. Okay, Larry. Larry has some paperwork.

**Mr. Larry Johnston:** Yes, I seem to be drowning in paper here.

**The Chair (Mr. Garfield Dunlop):** Have we all got it in front of us here?

Okay. So what are we looking for here, Larry?

**Mr. Gilles Bisson:** Excuse me, Chair. Just before I start: What tab does this all go into?

**The Clerk of the Committee (Mr. Trevor Day):** Tab 2, committees.

Only half of those are going to go into committees. Some of them that say "draft options" will be for the discussion afterwards.

**The Chair (Mr. Garfield Dunlop):** Which one were you going to address, Larry?

**Mr. Larry Johnston:** We have several documents here. We just want to draw the committee's attention to some documents that were handed out last week as well as some from this week, okay? The two that you received last week: One is "Accountability of legislative officers," and that deals with provisions in which parliamentary officers are required to report to a specific committee. I can't find my own copy at the moment. Accompanying that document are two others: One is the Annual Review of the Budgets of the Independent Legislative Offices. This is an example of a report that is put out in British Columbia every year by the Select Standing Committee on Finance and Government Services. That gives you a flavour for the kind of review of the legislative officers

that is conducted by that committee. The second accompanying document is from Alberta, which has its own Standing Committee on Legislative Offices, and it's the transcript for Wednesday, November 16, 2011, of the Standing Committee on Legislative Offices. Again, the transcript takes you through, and you can see the questioning and the treatment of the parliamentary officers. I believe they each had half an hour for presentation and time for questions etc.

The committee had talked previously about the possibility of making sure that all legislative officers had a committee to report to, which is not the case at present. As you can see, there is a variety of options by which that is accomplished.

I'll move on to the next document, which is entitled "Referral of bills to policy field committees." The premise here is that the consistent referral of bills to policy committees based on their subject matter is one possible way to foster the development of expertise among committee members. You'll see that there's a table on the second page which divides the Legislatures into those that refer bills that have received second reading to policy standing committees and those that refer bills to a committee of the whole House. You may be interested in how frequently bills are in fact referred to committees of the whole House elsewhere in the country.

**The Chair (Mr. Garfield Dunlop):** Has everybody got that document?

**Ms. Lisa MacLeod:** Yes. We're just moving along here.

**The Chair (Mr. Garfield Dunlop):** "Permanent referral of business to committees"—has everyone got that?

**Interjection:** No.

**Ms. Lisa MacLeod:** "Referral of bills to policy field committees"?

**Mr. Larry Johnston:** This is from last week.

**Ms. Lisa MacLeod:** I found it; I feel pretty good about myself.

**Mr. Larry Johnston:** The most useful contrast, perhaps, is to look at, say, the House of Commons, where most of the standing committees correspond to federal departments. There are no specific provisions that direct bills to specific committees, but most bills seem to end up in the committee whose remit corresponds to the subject matter of the bill. In Saskatchewan, there are four policy field committees that are established specifically

to consider matters, including most bills after second reading, that relate to the generally defined subject areas. There is also a striking committee that establishes which ministries and agencies are under each of these committees.

**1310**

The contrast, then, is with the jurisdictions that send bills to a committee of the whole House. In many of those cases, the standing committees are engaged in matters of inquiry rather than looking at bills.

**Mr. Gilles Bisson:** Inquiries?

**Mr. Larry Johnston:** Yes, they may conduct inquiries, investigate topics—

**Mr. Gilles Bisson:** In committee of the whole House? I thought that's what I heard.

**Mr. Larry Johnston:** No, in the standing committees. In British Columbia, Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador, bills tend to go to committee of the whole House for consideration. So any standing committees in those jurisdictions have other functions which are largely investigative or oversight—conducting inquiries etc.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Sorry, I'm having a hard time hearing. "Tend to go to committee of the whole House," is what you said?

**Mr. Larry Johnston:** Yes.

**Mr. Gilles Bisson:** Not "can"? "Tend"?

**Mr. Larry Johnston:** They tend to.

**Mr. Gilles Bisson:** So how do they do public hearings?

**Mr. Larry Johnston:** They don't have public hearings on bills.

**Mr. Gilles Bisson:** Oh, okay. Gotcha.

**Mr. Larry Johnston:** Unless it's referred to another committee.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think what we need to understand is that for some of these jurisdictions their committee system isn't as old or developed as the one we have here. Todd just reminded me that Saskatchewan, until a couple of years ago, didn't even have committees.

**Mr. Gilles Bisson:** Really? Wow.

**The Clerk of the Assembly (Ms. Deborah Deller):** A smaller House, too.

**The Chair (Mr. Garfield Dunlop):** Any comments from anyone else?

**Mr. Larry Johnston:** A document dated May 2, 2012, is entitled "Committees' ability to initiate business without an order from the House." This discusses the ability of committees to initiate business in the absence of an order of reference from the House or direction contained in the standing orders, such as, "The committee shall" etc.

For example, at the House of Commons, standing committees are empowered to study and report on all matters that relate to the mandate, management and operation of the department or departments of government that are assigned to them by the House. That includes looking at the statute law relating to the department; pro-

gram and policy objectives; expenditure plans and effectiveness of implementation; and other matters relating to the mandate, management, organization or operation of the department as the committee deems fit.

Similarly, you'll find in Alberta that a policy field committee shall inquire into, consider and report on any matter referred to it by the assembly and may on its own initiative, or at the request of a minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate.

Standing committees in Quebec, without special reference from the assembly, can initiate examinations of draft regulations and regulations; policy directions, activities and management of government departments; policy directions, activities and management of prescribed agencies; petitions; and any other matter that may be of public interest. Such proceedings are initiated on a motion by one of the committee's members, and such a motion requires a vote of the majority of the members from each parliamentary group.

In Saskatchewan, annual reports of government departments, provincial agencies and crown-controlled organizations, boards and commissions are deemed permanently referred to the policy field committees. Such a committee may examine each annual report referred to it and report to the House whether the annual report is satisfactory or unsatisfactory, report any lateness in the tabling of annual reports, and indicate if there are public bodies not tabling reports that should be. A public policy field committee shall inquire to consider and report on any matter referred to it by the assembly, and may, on its own initiative or at the request of a minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its portfolio.

If that sounds familiar, I think it has been lifted exactly out of the Alberta standing orders or vice versa.

Nova Scotia's standing orders also provide that a standing committee may study matters within its area of responsibility as outlined in the rules or matters referred to it by the House. It may also undertake studies on its own initiative.

**Mr. Gilles Bisson:** Like standing order 111?

**Mr. Larry Johnston:** There's some similarity, yes.

**Mr. Gilles Bisson:** It sounds to me like it's similar to standing order 111.

**Mr. Larry Johnston:** Presumably, by default it would be the committee majority that would decide, in the absence of any other.

Again, it's the same with Prince Edward Island. Committees are empowered to examine and inquire into all matters referred to them by the House. In addition, with the decision of a majority of their membership, they may meet to examine and inquire into such matters and things as the committee deems appropriate within the context of their responsibilities as set out in rule 95.

**The Chair (Mr. Garfield Dunlop):** Excuse me, Larry. In PEI, how many members are there actually in the House? They must have a fairly small—

**Mrs. Donna H. Cansfield:** Twenty-eight.

**The Chair (Mr. Garfield Dunlop):** Twenty-eight? So they're only looking after 10,000 or 12,000 people each? Is that—

**Mr. Larry Johnston:** Almost like Ireland. Direct democracy—very personal.

**The Chair (Mr. Garfield Dunlop):** So a lot of people would have to sit on a number of committees.

**Mr. Larry Johnston:** You should also note—and we'll come back to this later—that the committees in Prince Edward Island are not examining bills. Remember, in all of the Atlantic provinces, these committees are not examining bills. They are primarily examining matters that they choose to initiate or are referred.

**Mr. Bas Balkissoon:** I have a question.

**The Chair (Mr. Garfield Dunlop):** Yes?

**Mr. Bas Balkissoon:** All of these comments on how they're doing stuff is good, but without knowing the schedule of the Legislature, it's very difficult to put the real context to it. Committees can do a lot of work if the Legislature is not sitting, but the way we sit here, if we look at this, I think you're comparing apples and oranges. We need to know the schedule and the number of sitting days etc. before you could really assess these things—a good question being PEI, the number of members and how many days they sit.

**Mr. Larry Johnston:** They don't sit very many days in PEI.

**Mr. Bas Balkissoon:** They don't do bills, either.

**Mr. Larry Johnston:** No. Their committees tend to sit at separate times of the year than when—

**Mr. Bas Balkissoon:** My fear is we may see one of these and say, "This is good," without knowing the impact, and we adopt it and then we find out that—

**The Chair (Mr. Garfield Dunlop):** Absolutely. I was just trying to look at PEI as just a tiny place. We've got a number of cities in Ontario—

**Mr. Bas Balkissoon:** It's the same with Alberta. I'll tell you, they've got a smaller Legislature, they meet less often, and they've got a lot more time restrictions than we do.

**The Chair (Mr. Garfield Dunlop):** Yes.

On this particular document—including Deb and Todd—have you got any comments or any suggestions? Donna?

**Mrs. Donna H. Cansfield:** I'm just going to share with you for the record that it is 27 members in PEI, 140,000 people, about the size of some of our ridings, and 5,000 constituents per member. Now you know why they don't sit very often. They don't have to.

**The Clerk of the Assembly (Ms. Deborah Deller):** With respect to sitting time, you're right. The Ontario Legislature, with the exception of the House of Commons, sits more days per year than any other Legislature in the country. Even in terms of the Commonwealth, we're still way up there. If you look at the number of hours we actually meet, we're also very, very high.

**Mr. Bas Balkissoon:** So looking at all this additional stuff, we need to put that in a relative context.

**The Chair (Mr. Garfield Dunlop):** Deb, can I ask, from the Clerk's perspective, looking at that sheet there, do you see anything that jumps out that you'd like to see adopted or comment on? I just thought we'd go around with everyone on each one of these sheets as they come forward to see if there's—I'm not hearing a lot of comments on change here, just on what's available to change.

1320

**The Clerk of the Assembly (Ms. Deborah Deller):** Some of the things that I think it would be worthwhile looking at are things like having the policy field committees, in particular, consistently deal with matters that relate to that policy field, for reasons that I've already stated. It develops an expertise on the part of the members, so it makes the committee much more knowledgeable when they're dealing with these kinds of things.

My sense is that there's some desire on the part of members to be able to self-initiate more discussions in committees. We talked a bit at lunch about altering the standing order 126 provision, going back to the previous provision where it came about as a designation from each member of the subcommittee, and then maybe massaging it a little bit to allow for the majority of the committee to expand the time allotted to that consideration. Those kinds of things, I think, would go a long way to allowing committees once again to initiate a little bit more of matters for their own consideration.

I think Mr. Balkissoon raises a fair point. You do have to be aware of how much time the committees have in general and whether some of this stuff is possible. I think you also have to take a look and make sure that committees understand that, at least in this jurisdiction, the primary role and responsibility is to deal with government legislation or matters referred to it from the House. But stating those principles, if you can come up with ways to allow for committees to self-initiate certain discussions, I think that would be a good thing.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** One of the challenges is keeping this all in your head. What comes to mind, actually, is a little bit of what everybody is saying. For me, it's an Excel spreadsheet that actually says—and the reason why adding a policy committee sounds like a great idea, develop expertise, is it in addition to or is it instead of? Those are questions you can only answer when you know what you've got. So the number of days you sit, the opportunities to do this, what have you already got in comparison to—and we're picking on poor PEI a little bit, that they've got these committees that sound really good. But if they only sit for a month a year and they spread it out over—then they've got far more time to be able to devote to these sorts of things. Because it's not just time; it's people, it's bodies, and then it's human resources. It's the Larrys and the Trevors of the world, so it's a broader—

**The Clerk of the Committee (Mr. Trevor Day):** Thanks.

**Mrs. Donna H. Cansfield:** You're welcome.

*Interjection.*

**Mrs. Donna H. Cansfield:** Then there's an expectation around the consultation process and stuff.

Again, I think this is wonderful work, and I really like the previous chart because it actually laid it out, but I'm thinking what we need is an Excel spreadsheet that speaks to the whole picture so that we have some idea, when we are doing comparisons, that it is actually comparable. I use that because I remember when we were down in the Midwest states and raving about how great some system was, only to discover that they didn't sit at all. If they sat, it was a couple of days a year. They didn't have an office; they lived in their cars. Their assistants sat beside them in the Legislature because they didn't have an office. We just assumed it was very similar to what we had when it was actually poles apart. It was easy for them to do a lot more things than it was—mind you, they had to get elected every two years, so it's slightly different.

So I wondered if that could be taken into consideration. Don't do it if you think it's so onerous that it can't be done.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think the big picture thing is important. Without getting too radical, the committee might want to also give consideration—we do spend a lot of time in the House, and as my colleague says, a really disproportionate amount of time with those high-level debates in the House and—

**Mr. Bas Balkissoon:** High-level? How do you measure it?

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess I didn't—I won't even—

**Mrs. Donna H. Cansfield:** We're just teasing.

**Mr. Bas Balkissoon:** I was just joking.

**The Clerk of the Assembly (Ms. Deborah Deller):** —and maybe not as much time as we ought to in the sort of more detail-oriented discussion of policy in committee. So what you may want to take a look at is, how much time do we really need in that? I mean, if you think of it as the plenary, where even upfront and follow-up work is done in committees—those committees report to the plenary—then you might think, "Well, maybe we don't need quite as much time in the House," and that would free up members to do more committee work.

**The Chair (Mr. Garfield Dunlop):** Steve and then Bas.

**Mr. Steve Clark:** Thanks, Chair. I just want to go back to some of the things you've said, Madam Clerk, because I think very strongly that we should have a system where committees not only deal with legislation, but as individual members, we need to be able to strengthen our ability to propose, study and draft legislation on a particular topic at committee. Whether it's a move to go back to more the wording that we used to have—I still think, on a principle basis, that's the type of committee system that I want.

It's great that we've got the overview of other provinces, and I think we've always—since we started meeting, that's one of the things I think is good, that we've

had sort of that top-level view. But at some point, we have to get down to the concept, and I think, in my opinion, we have to have that availability, so if I'm on an individual committee, I should, as an individual MPP, be able to propose or study or draft something that we could discuss right there on a topic that's of interest.

**Mr. Larry Johnston:** I've heard members talking about wanting to do this. What I'm trying to suggest to you is that other standing orders have found a way to do that, whether it's in policy field committees or other kinds of standing committees.

You take the example of British Columbia: They strike nine standing committees under the standing orders. Those committees don't actually do anything unless they get an order of reference from the House. So you can have a standing committee on education that hasn't met in this session on Parliament, a standing committee on aboriginal affairs that hasn't met in this Parliament, because it's wholly dependent on the terms of reference being supplied by the House.

So when I talk about policy field committees that can initiate inquiries, we're going to the other end and saying, "What is the ability of committees elsewhere to initiate their own business, and does that provide any opportunities for the members to consider whether or not that's something they would like to pursue, in part or in whole, and what are the ways that they do that, whether it's simply strengthening 126 or looking at other options?"

**Mr. Steve Clark:** I just want to make it clear too that I have no interest in having a committee that just sits and does nothing. I think that serves no purpose whatsoever.

**Ms. Lisa MacLeod:** Unless you get paid, like they—

**Mr. Steve Clark:** No, I don't even want to get involved in that discussion.

**The Chair (Mr. Garfield Dunlop):** Bas has a question, then Donna, and I've got a comment too. Bas?

**Mr. Bas Balkissoon:** Chair, I'm just wondering: We have a process today, and I'm wondering if we'd probably get closer to what we want to do if we hear from everybody about what is their concern with the current process. Then you could look at alternatives.

The other thing is, I hear what Mr. Clark just said, and even with that, when I look at the Legislatures that are of a reasonable size, none of them have, if I could put it, a free hand other than PEI, and as we discussed, PEI's schedule is—it's a very low workload.

If you look at Saskatoon, it has to be at the request of a minister. If you look at Quebec, it has to be a vote of the majority of the members from each parliamentary group. Nova Scotia: It didn't say anything, so I'm not sure what it says.

But I think we might be able to land on something if we hear what everybody has as a concern. To be honest with you, I'm sitting here, and I don't know about my colleagues, but we're all sort of digesting things. We have to go back to our own caucus and say, "Here are some of the ideas. What's your opinion?"

**The Chair (Mr. Garfield Dunlop):** Donna had a comment, and then we'll go back. Thanks, Bas.

**Mrs. Donna H. Cansfield:** Actually, it's not a comment; it's a question I'd just like to ask Mr. Clark, or maybe everyone. The idea here is that you wish to have the opportunity to initiate an agenda item; presumably somehow it has to go through some sort of process. But my question would be: To what end? What for?

1330

Typically, committees are here to do the business of the House, the business of government. Yes, I appreciate the whole issue around trying to find something that's of interest to the individual, but individually we don't have the power; collectively we have the power. Is that not correct? So to what end is this issue around the individual having the opportunity to initiate something that's just of interest to that individual? Again, presumably a majority would have to support that, but to what end is the purpose, and that's—

*Interjection.*

**Mrs. Donna H. Cansfield:** Again, does it get reported back to the House? What's the reason, other than there's an individual interest? There currently may not be a mechanism that permits it.

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, back when standing order 126 was standing order 123, the process was that each member of the subcommittee on any of the policy field committees could identify a matter for consideration, could say, "The committee should consider X," as long as it fit within their policy field. Then there was a 12-hour time limit imposed on that consideration. What the result was, out of a number of those committee considerations, was a report that went to the House—and in some cases, some very good reports; and in some cases, the government picked up elements of those reports to enshrine in legislation.

**Mrs. Donna H. Cansfield:** If I may, if a committee was a policy field committee on the environment, for example, then an individual member had the authority, under the previous, to initiate discussion or a paper based on a majority, I guess, of the people saying in the committee that it was okay to do?

**The Clerk of the Assembly (Ms. Deborah Deller):** No.

**Mrs. Donna H. Cansfield:** No?

**The Clerk of the Assembly (Ms. Deborah Deller):** Each member of the subcommittee had an opportunity once in a session to identify a matter for consideration, and then the committee would schedule 12 hours, usually in between its consideration of whatever else it had referred to it from the House—

**Mrs. Donna H. Cansfield:** No voting or anything?

**Mr. Bas Balkissoon:** This is 126?

**Mrs. Donna H. Cansfield:** No, it's 123. It's the old 123.

**Mr. Bas Balkissoon:** Oh, the old 123, not the current one.

**Mrs. Donna H. Cansfield:** So as long it fit within the policy field—

**The Clerk of the Assembly (Ms. Deborah Deller):** —of that committee. So if it was social policy, for

example, it had to deal with health, education, community and social services—something that would belong within the mandate of one of the ministries referred to that committee. Then it had a 12-hour time-limited period in which it could consider that matter. Then it would culminate in one of two things—I almost forgot this—it would culminate in a substantive report going to the House or a committee bill going to the House. The Association of Former Parliamentarians, which you're all familiar with, was created that way, out of a 123-designated matter in committee, and it came forward to the House as a committee bill. The Chair of the committee introduces the bill, and then it goes through the same process as any other public bill.

Now, what happened, then, was—and this is kind of what I was trying to go over at lunch—there was some discussion among members that the 12-hour time-limited period was sometimes, not always, too restrictive, so there was a desire to maybe expand that. But then in return, because they didn't want to end up with committees spending an inordinate amount of time on something that may be political, they changed that 123 designation to make it a designation that required two thirds of the majority of the committee. Since that time, we haven't really done one.

So what I'm suggesting is, if you wanted to pursue that, and going back to the more original rule of 123, where each member of the subcommittee, for example, in whatever time period you establish, could choose a matter for consideration and put the 12-hour time limit or whatever time limit you want to back on it, and then also say that in circumstances where the committee or the majority of the committee—two thirds, whatever you want—decides they need more time for consideration of that matter, by motion they have the authority to do that. So what that does, then, is solve the problem of when a committee finds out that 12 hours just isn't enough. They can expand the time, but it also allows for the individual members of the subcommittee to designate the matter.

**Mrs. Donna H. Cansfield:** If I may, Mr. Chair, did House business take precedence or did it just slot in wherever?

**The Clerk of the Assembly (Ms. Deborah Deller):** Usually, the committees just organized the schedule so that they—I mean, they were fulfilling their responsibility to the matters referred to them from the House.

**Mrs. Donna H. Cansfield:** First?

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, as well as. If it—

**The Chair (Mr. Garfield Dunlop):** Gilles had a question, and then Steve.

**Mr. Gilles Bisson:** No, just a comment to pick up on the Clerk. It was never used as a mechanism to slow the government down. That was not the point. The point of 123 was to give caucuses, by a selection of one—remember, there's one member from each caucus on the subcommittee, so essentially, every caucus had an ability to make one selection under section 123 in the various policy committees; there were only three of them. So it

was never really used as a way of slowing the government agenda down, because all you'd be able to do is slow it down for 12 hours, and you get through that pretty quick. What they were successfully used for is that the caucuses in opposition to the government would bring forward an issue that they thought was relevant and important, there would be some work at committee to work it through, to bundle it up, to get people interested in it, and then governments often said, "Oh, not a bad idea." So the government would then pick up the idea. It was a way of being able to bring to the Legislature, hopefully, if the government chooses—it's always the government's choice—an idea that was born from committee. That was the idea behind it.

I think what the Clerk is saying as far as the history of it is correct. Where I would sort of lie is that we'd go back to the 123 with the caveat—I would put two caveats. One is, you can only extend upon a motion of the committee by the majority—that protects the government, quite frankly; and the other part would be that I wouldn't do it per session, because there might be only one throne speech in four years. So I think you need some mechanism to allow those types of things to happen once a year, or some mechanism.

**Mrs. Donna H. Cansfield:** When was 123 changed to 126?

**Mr. Gilles Bisson:** It was during the Harris days, essentially, because the government—as the Clerk explained, there was a sense that there wasn't enough time in 12 hours to get it done. That standing order change was made to remove the 12-hour restriction, but for the government to protect itself, it said, "You can only get one with two thirds."

**Mrs. Donna H. Cansfield:** Sorry, just so I get it in my head, how often did the government meet and how often did the committee meet?

**Mr. Gilles Bisson:** The committee had a structure similar to what we have now, and it had nothing to do with House time; it had to do with committee time. In response to Mr. Balkissoon's point, what did that mean for the House schedule? It meant absolutely nothing.

**Mr. Bas Balkissoon:** Well, right now, committee time is very limited.

**Mrs. Donna H. Cansfield:** House time.

**Mr. Bas Balkissoon:** It's House time, also. My understanding previously is that committee had time; they also got paid for being on committee and they did a lot of extra work in between sessions. You can't take one piece of it and say it will work.

**Mr. Gilles Bisson:** But in fairness, Mr. Balkissoon, what we're trying to suggest here is that, in fact, we empower committees to do work. There should be more time in committees and, quite frankly, less time in the House for this place—

**Mr. Bas Balkissoon:** And that's one thing we've got to look at.

**Mr. Gilles Bisson:** And when we look at that, it allows us to say, "All right, the old 123's ability to meet

in the summer or the winter session"—it allows the committees to do their work in a more meaningful way.

**Mr. Steve Clark:** Can I just jump in? I agree with that concept and I understand why you're perhaps a little reluctant, right? But I think we have to talk about some concepts as part of the basket of projects we go back to our caucuses with. I don't know whether my caucus is going to agree or not agree, but from a concept basis of empowering a member and making committee work more meaningful, I agree 100% with the Clerk.

Now, whether it's to agree on a concept, it's a majority; to extend it, it's two thirds—whatever that mix is, whatever that final recommendation is, we can talk about it later. But just solely on the concept of being able to empower a member to bring a matter that could ultimately become legislation—I think the Clerk's made some good points.

**Mr. Bas Balkissoon:** Don't get me wrong. I'm not objecting to it. What I'm saying is, we've got to look at the House schedule along with this idea that it's workable. In my mind, from my colleagues' standpoint, most of us backbenchers who sit on committee and all of the cabinet ministers—you remove them from our caucus so you're looking at a smaller number of members to do—

1340

**Mr. Gilles Bisson:** You should have tried it when we were nine.

**Mr. Bas Balkissoon:** But, Gilles, you have two here; we have four. So when we take the number of members that are available and divide them by four, the workload kind of goes up significantly, and the time available.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** I do think there's merit to what you're suggesting, but I guess I'm also going to play a little bit of the devil's advocate here, inasmuch as it's the subcommittee that will bring forward the suggestion. So the ideal would be that I would go to the subcommittee that represented the committee I sat on and say, "I'd like this issue brought forward." That's the ideal. I suspect that the government will decide what idea I want to bring forward, no more than your caucus will do exactly the same thing.

**Mr. Gilles Bisson:** The caucus is whipped.

**Mrs. Donna H. Cansfield:** So it's not that an individual member gets to bring forward; it's really the caucuses that get to bring forward what they consider topical at the time.

While I like the concept, the reality check might be a little bit different, and then I guess that's my means to an end.

**The Chair (Mr. Garfield Dunlop):** Gilles, and then Deb.

**Mr. Gilles Bisson:** I'm open to the idea if we can figure out some other mechanism to trigger it—I hear what you're saying. But I just want to tell you that when we did have, it was actually—yeah, it's the that caucus decides, but I never heard complaints from any of the members in opposition or in government that the pick was the wrong one. Normally it made some sense. It was

actually quite a good process. But I hear your point, and maybe there's another way of looking at it.

**The Chair (Mr. Garfield Dunlop):** Any other comments? Oh, I'm sorry, Deb.

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just clarify something? I think you asked about whether government legislation took precedence. Currently standing order 126 says, "Such study in the committee shall not take precedence over consideration of a government public bill." I'll have to check, but I think that was a carry-over from the old one, 123.

**Mrs. Donna H. Cansfield:** So government business does take precedence—

**Mr. Gilles Bisson:** I do remember. It was that if the committee had no government business, you could do a 123. That's the way it used to be. I would argue that you don't want to do that. You need to give caucuses or members, whatever way you do it, an ability to bring issues forward so that you can—oh, look at that.

**Ms. Lisa MacLeod:** And the thunder rolls.

**Mr. Gilles Bisson:** See, I spoke and the sky broke. I'm stopping at this point.

**Mrs. Donna H. Cansfield:** It's going to rain on your parade, though.

**Mr. Gilles Bisson:** It might rain on my parade. You notice I stopped before it rained.

**The Chair (Mr. Garfield Dunlop):** Okay, Deb, have you got anything else?

**The Clerk of the Assembly (Ms. Deborah Deller):** No. Do you want us, in much the same way as we've done with the documents you have now on members with disabilities and opposition day, to kind of rough something out for you so that you can take a look at it?

**Mr. Bas Balkissoon:** I have a comment on a discussion that went on at lunch.

**Mr. Gilles Bisson:** Just before we go any further, what tab is that document that you gave us on opposition day and all that?

**Mr. Bas Balkissoon:** Trevor, you've got to number these things.

*Interjections.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, I didn't mean to divert the discussion. I was just saying that if the committee wants us to kind of rough something out on the 126 issue, we could do something for you to look at so at least you'd know what it looks like.

**Mr. Bas Balkissoon:** I think if you draft it and give us the number of sitting days back then versus what we're doing now, it might be relevant.

**The Clerk of the Assembly (Ms. Deborah Deller):** Oh yeah.

**The Chair (Mr. Garfield Dunlop):** So, Bas, what are you asking for?

**Mr. Bas Balkissoon:** The Clerk is going to give us something on the old 123 versus the new 126, but I would like to see the number of sitting days, and was that the time the committees were paid to sit extra and whatever, because I think that—

**The Clerk of the Assembly (Ms. Deborah Deller):** It wasn't that far back. It was post the per diem, and we'll give you the stats on the number of sitting days—

**Mr. Bas Balkissoon:** Just give us the stats.

**The Clerk of the Assembly (Ms. Deborah Deller):** —but it hasn't changed a lot.

**Mr. Bas Balkissoon:** I just want to be able to understand it.

**The Chair (Mr. Garfield Dunlop):** Okay. Does anyone have any comments on this particular part of the report?

Okay, Larry, next section.

**Mr. Larry Johnston:** The committee also expressed interest in provisions that permit standing committees to meet at the call of the Chair or otherwise conduct their business during periods when the House is not sitting. You will see on the first page of this memo that there is a table.

*Interjection.*

**Mrs. Laura Albanese:** What is it entitled?

**Mr. Larry Johnston:** It's dated May 7 and it's entitled "When Committees May Sit."

**The Chair (Mr. Garfield Dunlop):** Okay, has everybody got it?

**Mrs. Laura Albanese:** Yes.

**The Chair (Mr. Garfield Dunlop):** All right. Go ahead, Larry.

**Mr. Larry Johnston:** Mr. Clark says that it may be dated May 9.

**The Chair (Mr. Garfield Dunlop):** May 7 on the second page.

**Mr. Larry Johnston:** The first column of the table indicates whether or not an order or leave of the House is required to sit during adjournment. You can see, in the majority of cases, it is not required.

In addition, I would clarify, with respect to BC, it is required to the extent that any committee meeting in BC requires an order of reference from the House, but that does not stop a committee, once it receives its order of reference from the House, from meeting during the time of adjournment.

**Mr. Gilles Bisson:** I'm lost. Do that again. So the majority of committees are able to sit without an order of the House in the intersession? Is that what you're saying?

**Mr. Larry Johnston:** Yes, that's what I'm saying. If you'll note, there are four instances where they may sit while the House is prorogued. In one of those cases, it only applies to the Standing Committee on Public Accounts.

Now, whether they do or do not, is another question, and I don't know the answer to that off the top of my head.

**Mr. Gilles Bisson:** Which means to say people don't abuse it.

**The Chair (Mr. Garfield Dunlop):** What do they do when the House is prorogued, though? They actually—

**Mr. Larry Johnston:** They are empowered to meet during the time the House is prorogued, and in some cases it may be that there is a committee which functions

much like the Board of Internal Economy does here, but it's a standing committee of the House, which then has to be able to meet during that time.

The point on British Columbia, Mr. Bisson, was that committees can only meet in BC if they have an order of reference from the House.

**Mr. Gilles Bisson:** Just like us.

**Mr. Larry Johnston:** Yes, but—no, to the extent that we have permanent orders of reference—

**Mr. Gilles Bisson:** No, no, I'm talking about the inter-session.

**Mr. Larry Johnston:** Yes. No—well, let me backtrack. They can't meet if they don't have a reference from the House, even when the House is sitting.

**Mr. Gilles Bisson:** Oh, I see.

**Mr. Larry Johnston:** If they have an order of reference from the House, they may sit, and they may sit during adjournment as well. They don't need a separate order to meet during adjournment if they have terms of reference that have been given to them by the House.

**Mr. Gilles Bisson:** So provided that they're constituted and sit, they can sit whenever?

**Mr. Larry Johnston:** Well, yes, but the membership is constituted in the absence, in some cases, of an order of reference from the House. So there is a committee, it has membership, but it doesn't sit.

Basically, in all of these instances you see that an order of the House is not required to sit during adjournment. The second column indicates those jurisdictions where an order of the House is required to sit while the House is sitting. This would be explained in those small Legislatures, where there are not enough bodies to have committees sitting while the House is in session, so in some cases, the standing orders preclude committees sitting, unless there is permission given by the House. Now, in practice, in some of those jurisdictions they do meet while the House is sitting—obviously, they get permission to do so—and in some of them they don't meet, and there's no overlap between the period when the committees are sitting and when the House is sitting, with the partial exception of a Standing Committee on Public Accounts.

**The Clerk of the Assembly (Ms. Deborah Deller):** To be fair, though, Larry, that really is the same situation as here. The motion that we pass at the beginning of the session that authorizes committees to meet with a certain schedule is the motion that authorizes committees to meet when the House is in session. It's just one large motion at the outset.

**Mr. Larry Johnston:** Right.

**Mr. Gilles Bisson:** Yeah, because we strike committee membership and all that at the same time. We actually say the days as well, don't we?

*Interjection.*

**Mr. Gilles Bisson:** Yes. So how would we be different? We're not any—

*Interjection.*

**Mr. Larry Johnston:** Well, the default option here is that committees don't sit while the House is sitting.

**Mr. Gilles Bisson:** No, no. I was just asking myself a question.

**Mr. Larry Johnston:** You also have a document dated May 8, 2012, called "Permanent Referral of Business to Committees."

1350

**Mr. Gilles Bisson:** Where's that? Is that another document?

**Mr. Larry Johnston:** It's 120093.

**Mr. Gilles Bisson:** We're going to have to figure out a way to—

*Interjections.*

**Mr. Gilles Bisson:** My next one is committee of the whole—okay, I've got it. I've got 091.

**The Chair (Mr. Garfield Dunlop):** We'll make sure everybody's got it here before you start.

*Interjections.*

**Mr. Larry Johnston:** Permanent Referral of Business to Committees.

**The Clerk of the Committee (Mr. Trevor Day):** I promise I will work on a different system for next meeting. I need you to know this. There will be colours or something. This is going to get easier, I promise.

**Mr. Larry Johnston:** This provides for the committee's benefit some information on those jurisdictions where there are provisions that refer business to standing committees on a more or less permanent basis. That can happen in one of two ways: a matter is or is deemed to be referred to a committee permanently, such as the permanent order of the Auditor General's reports to the Standing Committee on Public Accounts; but in many cases, this applies much more broadly.

There is a table on page 2—

**Mr. Gilles Bisson:** I'm still trying to find it. I found page 1. Carry on.

**Mr. Larry Johnston:** The table on page 2 provides an overview of the types of matters that are or may be referred to these committees. The House of Commons, which you'll see during the notes that follow on pages 2 and 3, is very specific in the assignment of matters to committees.

In Alberta, you'll see that the review of estimates shall be reviewed by the policy committees. The annual reports of all ministries, agencies and commissions may be reviewed. They stand permanently referred, as do the reports of legislative officers, and the committee on the Alberta Heritage Savings Trust Fund Act must report to the assembly.

Where I've noted that there's a review of estimates, that's where the estimates are being reviewed in a policy committee, not in a specific committee dedicated to matters of supply.

**The Chair (Mr. Garfield Dunlop):** So right today, it's only with the authorization of the House that estimates could ever meet in the summer, right? Yes—a specific day. I remember a couple of years ago we met with finance because a minister couldn't make it during the spring session for a couple of days. But I personally have heard a lot of people say that some of these

committees should meet more often in the summer months. What's the feeling on that? You've mentioned estimates; that's exactly the one I was talking about, because that committee only starts 12 days after a budget, right?

**Mr. Larry Johnston:** Twelve sitting days.

**The Chair (Mr. Garfield Dunlop):** It's 12 sitting days after a budget before you can start estimates. It's got to be done by—

**The Clerk of the Committee (Mr. Trevor Day):** Third Thursday of November.

**The Chair (Mr. Garfield Dunlop):** —the third Thursday of November. So you don't get a lot of time for that committee to actually meet. So my question is: Is there some way we can streamline that? Is there any more discussion on that?

**Mr. Gilles Bisson:** Well, it's something we asked and talked about at lunch.

**The Chair (Mr. Garfield Dunlop):** Yeah, Laura?

**Mrs. Laura Albanese:** I think, if I may, that it depends on the purpose of the committee. For example, I sat on finance and economic affairs and you travel for pre-budget consultation. That time varies and it's always when the House is not sitting, at least for the years that I was on it. So I would say that it depends on what the committee is reviewing and what the purpose of the committee is. In the case of finance and economic affairs, it would be essential to meet while the House is not sitting. Otherwise, you would not be able to conclude your pre-budget consultations before the budget.

**The Chair (Mr. Garfield Dunlop):** I just think it's worth more of a discussion because I'm certainly—Donna?

**Mrs. Donna H. Cansfield:** It actually brings back to the issue around the validity of the House sitting as often as it does vis-à-vis the committees sitting more often to be able to do that more nitty-gritty work. I think that's where some of the discussion needs to take place. It's not so much that you—because you don't want to take away from constituency weeks for the obvious reason, especially for those who travel great distances. They need to be in their constituency. But on the other hand, I think we've all had an opportunity to witness in the House that it's not always the most productive use of time and it could be used more productively.

So maybe that's where part of the discussion should come in terms of how this occurs. I don't know that just jumping to the summer months is the answer. It may be part of the answer, but also, in concluding, just how much relevant time should be spent in the House vis-à-vis the committee work as a whole.

I don't think that should be just limited to any committee, but to committees as a whole. I mean, I don't know how sometimes you get all the work in—and I guess estimates is a really good example—and then you're struggling. It makes some sense to have the discussion about the validity of the number of days in the House.

**The Chair (Mr. Garfield Dunlop):** Yeah, Deb, do you have any comments on that?

**The Clerk of the Assembly (Ms. Deborah Deller):** Todd does.

**The Chair (Mr. Garfield Dunlop):** Yeah, go ahead, Todd.

**The Deputy Clerk (Mr. Todd Decker):** Well, Deb and I were just spitballing a little bit. I mean, I think the House does meet more than it needs to and committees don't meet as much. There is that what's referred to as high-level, I think, "in principle" debate that takes place in the House.

One idea might be, every week preceding a constituency week is dedicated to committees so that the House would meet each day that week for question period and routine proceedings, but then the committees would meet the rest of those days and do the more detailed in-depth work that they really don't have the time to do now and that can't be done in the House. The overall amount of time that members would be working on legislative proposals would be roughly the same, and it could even be during the same days of the week and same weeks of the year as we currently have. It would just be weighted differently as between the House and committees—something like that.

**Mr. Bas Balkissoon:** Or better yet, instead of meeting three and a half days, we'd change it to two and a half, and the other day is committee.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yeah, there was a time when Wednesday was cabinet, caucus and committee day.

**The Chair (Mr. Garfield Dunlop):** Lisa?

**Ms. Lisa MacLeod:** That's actually an interesting option, what the Clerk just said.

Just further, Donna spoke earlier about what the experience in—I guess it was in the United States, where they don't sit very frequently. I know the experience in some other Canadian jurisdictions is they don't sit as much as us. Now, that's all well and good. I enjoy coming to this place and taking part in debate. That is how I think we will remain relevant in the long term: Because we are going to debate issues of the day. So I am not in favour whatsoever of collapsing the amount of sitting days that we could have in favour of more committee work. I think that I would prefer to see an opportunity for all of us to explore increasing the amount of committee work without affecting the amount of debate that we're able to have as private members. We have 107 MPPs. Some members perhaps speak more than others to legislation, but I very much believe my job is to bring my constituents' views to the floor of that assembly.

I actually enjoy, for example, member statements, which is something I'd like to talk about. Maybe we should increase that to two full minutes. I think that's a great way to create a public record for this province that, in 20 years, 40 years, someone can look back on and recognize the contributions of the people who made Ontario what she is. I would really urge the committee

not to go that route, to condense our sitting time, because I think that's important. We should instead be looking at the opportunities for us to sit, without an order from the House, during that period where we're not sitting after Christmas for six weeks and during the summer.

When I first arrived here, traditionally we did that, and I always spent a week or two on committee during those breaks. That hasn't happened in a long time. We're almost a full year, outside of committee, having sat either in the summer or in the winter intersession. I would really like to see us get back to that, but have more flexibility as committees and maintaining the level of debate. Whether or not people think that's quality—that's sort of in the eye of the beholder. That's not for any of us to judge in this House; that is for our constituents to judge every four years, or in the case before us, perhaps even a shorter period of time than that.

That is fundamental to what we are doing here, and I wouldn't want us to lose sight of that. I won't be in favour of any option that condenses our sitting period in the House.

**The Chair (Mr. Garfield Dunlop):** I understand. Donna?

1400

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** Yes, I was just using that as an example in terms of what happens in other jurisdictions, trying to put it into context. It wasn't suggestive of anything that some member may or may not say in the House. I do recall that in previous governments some of them sat 16 days in a session. So it's hit-and-miss; it's all over the place.

**Mr. Bas Balkissoon:** It all depends on your majority.

**Mrs. Donna H. Cansfield:** It all depends on your majority.

I think the issue, though, becomes how do we provide the best way we can to acknowledge the issues that are before us vis-à-vis individuals who wish to have a far more participatory role; validity of the committees trying to get their work done—one of the things we haven't done is very much consultation, in terms of getting out to that broader public, which to me is at times just as important, if sometimes more important, as debate in the House, because it is substantive to debate in the House once you hear from people in the community. Sort of balancing all of that out in such a way that it's relevant is where I'm coming from on all the committee work. I like the idea of having good consultation and using a wide range of that—to get out to be informed in order to have good debate. But there was no suggestion not to.

I think we should explore all options and then make a decision on what is relevant to all of us, not just to—I appreciate particular points of view, but I think it's worthwhile to look at other jurisdictions; I think it's worthwhile to look at how we can balance this. I know that at one time we used January extensively for that consultation period, and we haven't been able to do that for whatever reason. How do we get back to reaching out to folks?

All I'm suggesting is that we should throw it all on the table and have a really good look, and then decide what we think we could do to make everything that works in this House relevant. I think that's really important.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** To what Donna just said, I agree that we should look at other jurisdictions. But I want to emphasize the point that Lisa made as well. I was a little surprised, as a new member: We were adjourning in June and we had planned to go up north in that week or week and a half, and it didn't happen. I just thought that we missed a great opportunity in those couple of weeks in June. And I do agree with Ms. MacLeod about the intersession in January and February: We do miss a tremendous opportunity to get out and talk about bills and have some meaningful committee work. So I agree that we should review those two options. To me, that's what we should be concentrating on.

**The Chair (Mr. Garfield Dunlop):** For that to happen, is there a motion every December on the last day to have the finance and economic affairs committee travel? How does that work, or is that just naturally done every year?

**Ms. Lisa MacLeod:** I think it has always been done by the committee, was it not?

**The Chair (Mr. Garfield Dunlop):** We didn't do it this year, but normally, leading up to the budget, the finance and economic affairs committee—

**The Clerk of the Assembly (Ms. Deborah Deller):** Those are the pre-budget hearings.

**The Chair (Mr. Garfield Dunlop):** The pre-budget. Is that a motion of the House? It's done every year like that?

**The Clerk of the Assembly (Ms. Deborah Deller):** To authorize them to sit during the recess, yes.

**The Chair (Mr. Garfield Dunlop):** Okay, but only the one committee. They have to—

**The Clerk of the Assembly (Ms. Deborah Deller):** No. We've had instances where there's a long motion that authorizes a number of committees to meet during the recess for specific reasons.

**The Chair (Mr. Garfield Dunlop):** At the call of the Chair?

**The Clerk of the Assembly (Ms. Deborah Deller):** It depends on when you're looking. Sometimes, yes, it has been whenever the committee chooses. Sometimes, more recently, it has been on specified dates.

**The Chair (Mr. Garfield Dunlop):** So they would lay out the dates you could—

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**The Chair (Mr. Garfield Dunlop):** With finance and economic affairs, I think we did miss an opportunity this year. But it's nice to be able to have the option for other committees, if something comes up that they need to travel to certain things or locations or have meetings here at the House on a particular bill.

Go ahead.

**Mr. Larry Johnston:** If I may just add, that's partly what this memo is talking about in terms of the functions that are assigned to committees and whether or not they are required to perform those functions or just empowered to perform those functions. In cases where they're empowered, that often means there is the necessity for a motion from the House or an order from the House, as opposed to when they're required. Then the assumption is that they will perform this function, and if that's coupled with the ability to meet during the time of adjournment, then the question about getting an order or assigning particular days doesn't come up in the same way.

**Mr. Bas Balkissoon:** Chair?

**The Chair (Mr. Garfield Dunlop):** Yes, Bas?

**Mr. Bas Balkissoon:** In the short period of time I've been here, I've been on, I think, two committees that worked in the break. It was always a struggle to find enough members to have quorum, because there is no commitment. Some members, depending on what committee you get on—I mean, all their breaks are taken up with committee work and other members get nothing. It is problematic, so we need to look at all of that. Is the commitment that members will show up?

I remember travelling with the justice committee, and I'm just going to give you—I'm not saying it happens all the time. Government members would show up, but the opposition party, in hearing the public, would have only one member. Then, when we got back here to finish our work, you started having ideas that were never out there when you travelled.

**The Chair (Mr. Garfield Dunlop):** Okay, I know what you're talking about. I've seen the same thing—

**Mr. Bas Balkissoon:** Or you have substitutes; you continuously have substitutes, so the corporate intelligence was never all in one place.

**The Chair (Mr. Garfield Dunlop):** Okay. Anything else on this one, then?

Okay, our options?

*Interjection.*

**Mr. Larry Johnston:** I just draw your attention to the last document I have here, which is May 7, 2012. It's the list of the last eight times that a bill was referred to committee of the whole House and reported to the House. Mr. Clark had asked for that last week. They're listed in reverse chronological order, and I leave it to you to make of it what you will.

**Mr. Steve Clark:** How come the government doesn't name bills as snappy as Mr. Flaherty did? I like that: Bill 17, Fairness is a Two-Way Street Act. That's snappy.

*Interjections.*

**Mr. Steve Clark:** So these are the eight times?

**Mr. Larry Johnston:** Yeah, plus Mr. Kennedy's attempt.

**The Chair (Mr. Garfield Dunlop):** Okay, so we're now going to do the options. Todd, Deb, you're going to handle that?

**The Clerk of the Assembly (Ms. Deborah Deller):** As we had agreed last week, I think, we've done up some

proposed wording. I think some of them might be pretty straightforward.

I'll start with the most straightforward first, which is this document that you've got that's entitled "Members with a Disability." You can see that there's some verbiage there that explains what the current practice is and what the issues might be with that, and then a proposed recommendation which would allow the Speaker to make accommodation for any member who has a disability so that we don't always have to go to the House to get unanimous consent. It could be a situation as permanent as somebody like former member Mr. Malkowski, where we had to make arrangements for sign interpretation full-time, or it could be something as temporary as the most recent example of Ms. MacCharles having to vote from her wheelchair. This just avoids the potentially embarrassing situation of a request for unanimous consent not being given.

**Mr. Bas Balkissoon:** Would this wording be, I guess, clear that it's acceptable to the member who has the disability? What about if something is proposed and the person says, "No, that's not what I want"?

**Ms. Lisa MacLeod:** This just allows the Speaker, if I read this right, to move forward, should they request it, without having to—I see what you're saying, and I think we all agree that what we don't want is, at some point, a member not wanting to recognize a member with a disability. Look, I was there in the House of Commons when Rob Anders decided to deny unanimous consent to make Nelson Mandela an honorary Canadian. These things happen, folks. I think this is effectively—well, it does, and it could be very embarrassing to the chamber, as that instant was to the House of Commons. So what you effectively want to do here is provide the Speaker with the option of moving forward without going to the House.

1410

**Mr. Bas Balkissoon:** But my question was: Does it have to be done to the satisfaction of the member who's being accommodated?

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, I think it has to be done to the satisfaction of both: The House has to be satisfied and the member being accommodated. I can't conceive of any situation where the Speaker would not work with the member requiring the accommodation—

**Mr. Bas Balkissoon:** No, I just asked that question because you could have disagreement.

**Mr. Steve Clark:** But we have to allow the Speaker to make those decisions, and if there's an issue, there has got to be a mechanism to bring it back. It's a pretty easy common ground to move forward on.

**Mr. Bas Balkissoon:** As an example—and we haven't had a member who has to come into the House every day with a wheelchair or whatever, but I've seen the public come to this building and complain, "Yes, there's wheelchair access, but it's very cumbersome."

**The Clerk of the Assembly (Ms. Deborah Deller):** But that's a different—

**Mr. Bas Balkissoon:** But you could have the same complaint from a member: Yes, there's wheelchair access, but it—

**Mr. Steve Clark:** It's a different issue, and the issue's got to be the member. Then the other issue is, if you want disability access to the chamber for visitors, if we've got issues, then let's deal with them.

**The Clerk of the Assembly (Ms. Deborah Deller):** This is really dealing more with allowing a member who may be in a wheelchair to vote from a seated position, to speak from a seated position, rather than having to stand, as the House has allowed by unanimous consent on a number of occasions already—or when we have a member who has a permanent disability, to allow the Speaker to make arrangements, before the House even begins, to allow the full participation of that member. This is really just dealing with the participation of a member with a disability in the House.

**Mr. Bas Balkissoon:** No, no, I understand that. I'm just saying, are we prepared to make sure that the member's accommodated?

**Mrs. Donna H. Cansfield:** I think the issue sometimes becomes apparent when there's a different interpretation of what "accommodation" means. Is there some specificity that it's required from either the Speaker or the individual, or do you just hope that they work it out in good conscience, or do you actually have to say that it meets the requirements of both? Because there have been situations where some people think a ramp is right and other people say, "No, I need an elevator," you know what I'm saying? That's an accommodation issue. That's what I think the question was all about, and whether or not there's enough degree—

**Mr. Bas Balkissoon:** Or it could be a blind person; it could be a hearing-impaired person.

**The Vice-Chair (Ms. Lisa MacLeod):** Steve?

**Mr. Steve Clark:** But again, when I hear that issue and read the recommendation "permit the full participation in the proceedings," I think it again puts it on the Speaker's side to make that decision.

**Mr. Bas Balkissoon:** But the way it's written, it's his judgment.

**Mr. Steve Clark:** Or her.

**Mr. Bas Balkissoon:** Yeah, his or her judgment call as the Speaker. I'm saying you could probably have a participant who is a member who just says, "This is not enough for me."

**The Vice-Chair (Ms. Lisa MacLeod):** So Clerk, would it be possible, then, to alter that "in consultation with the affected member"?

**The Clerk of the Assembly (Ms. Deborah Deller):** If the committee wishes. I mean, ultimately, it's the requirements of the House that need to be paramount. Again, I can't conceive of a situation where the Speaker wouldn't consult with the member in question to determine what the level of accommodation needs to be, but you do have to understand, ultimately, the final word has to rest with the representative of the House, who is the Speaker.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Bisson had a question.

**Mr. Gilles Bisson:** That was the point that I was going to make: I don't think we need to write it into the standing orders. The Speaker is not going to go out and do this stuff on his or her own, as the Clerk just said. I think we need to recognize that Speakers are pretty responsible when it comes to utilizing their authorities in the standing orders. So I would be less concerned about how the Speaker accommodates because the Speaker is going to have—if it's a question of money, there may be an appropriation. He or she would have to go to the board etc. There are various processes there in order to allow this to happen. I would err on the side of allowing the Speaker to make that decision.

**The Clerk of the Assembly (Ms. Deborah Deller):** And actually, can I just maybe clarify a little bit? Because if we use the most recent example of the back-bench Liberal member who required the use of a wheelchair, the installation of the—we have that temporary ramp was done entirely on the Speaker's direction. That didn't require the House to provide unanimous consent because, in our view, accommodating a member's ability to get in and out of the chamber—there's no question. The consent, though, was required to allow that member to speak and vote from a seated position. So it was only with respect to the further participation of that member in the House, not the actual physical accommodation.

**Mr. Gilles Bisson:** May I add, giving the Speaker the authority to make that decision could end up depoliticizing such a decision. Because let's say that for some strange reason there's some crazy politics going on between the caucuses or there's a particular dislike on the part—

**The Vice-Chair (Ms. Lisa MacLeod):** It certainly wouldn't happen with this current class.

**Mr. Gilles Bisson:** No, it could happen in any class. It just seems to me to depoliticize it by giving it to the Speaker; he or she makes the decision and he or she is not going to be frivolous in those decisions.

**Mr. Bas Balkissoon:** But my concern wasn't with the Speaker having the authority, my concern was making sure that the member is accommodated to the member's satisfaction.

**Mrs. Donna H. Cansfield:** And in the event that there's a difference of opinion, whose final decision?

**Mr. Gilles Bisson:** If that's the case, let's say that I'm the member and I feel I'm not accommodated and the Speaker's not accommodating me. I'm going to go talk to my House leader, who's going to talk to the other House leaders, who are going to go talk to the Speaker and, if need be, are going to move a motion by unanimous consent, right?

**Mr. Bas Balkissoon:** I just raised the issue.

**The Vice-Chair (Ms. Lisa MacLeod):** All right. So we're heading to the next question here where we need some guidance: opposition days.

**Mr. Gilles Bisson:** Yay. Love those.

**The Vice-Chair (Ms. Lisa MacLeod):** Everyone loves opposition days.

**Mr. Bas Balkissoon:** I have a comment.

**The Vice-Chair (Ms. Lisa MacLeod):** Sure. Take it away.

**Mr. Bas Balkissoon:** I know this was discussed over lunch, and I read this when I got it and I made some notes to myself. In looking at all statements by ministers, all these other things, all parties have equal treatment. I don't have a problem with the party that's moving the opposition day motion having that reply, but if I look at all other debates, the replies are restricted to two minutes.

**Mr. Gilles Bisson:** No. If you look at the standing orders, the minister who moves the bill has a right of reply. It's not like a two-minute—

**Mr. Bas Balkissoon:** Well, I'm asking.

**The Clerk of the Assembly (Ms. Deborah Deller):** It could be up to 20 minutes for a minister's right of reply. A minister or parliamentary assistant has up to 20 minutes' right of reply.

**Mr. Gilles Bisson:** It's not like a question-and-answer thing. It's not like response of the debate. A minister moves a bill. The minister or their parliamentary assistant has a right of reply of 20 minutes. I think the point here is that we're certainly not going to give, on an opposition day motion that's only going to be two hours, a 20-minute right of reply. That would make no sense. That's why the suggestion of five minutes.

**The Vice-Chair (Ms. Lisa MacLeod):** Steve and then Donna.

**Mr. Steve Clark:** So if I understand, the recommendation that we've talked about is, rather than a 10-minute bell, have a five-minute bell and then give the mover of the motion that five minutes. Is that correct?

**Mr. Bas Balkissoon:** Yes.

**Mr. Steve Clark:** To me, that's a no-brainer.

**Mr. Bas Balkissoon:** I just raised the issue of the two minutes on the consistency of it. Since I've been here, I haven't seen a 20-minute reply; have you?

**The Vice-Chair (Ms. Lisa MacLeod):** Donna, then Gilles.

**Mrs. Donna H. Cansfield:** I don't have an issue with the reply thing. It's more the issue around the five-minute bell, to be honest with you, just to get people here. I don't have an office here. I've never had an office here in nine years. I'm in the Whitney Block or Hearst. I can't get here in five minutes. So I have an issue with the five-minute bell. That doesn't mean that every day I'm sitting waiting for an opposition day motion. Anyways, for me it's the timing.

Now, I understand that lots of votes have taken place after 6 o'clock. That has happened in the past, but that's not typical. But when you put the 5:50 on there and then definitive five and five, I think it actually restricts access for the members to get here in time, given how widespread they are doing other things.

Tracy MacCharles, for example, could not get there in five minutes. In 10, she could get there if she was in committee, but she could not get there in five minutes,

and she's a person with a disability. So I just question the five minutes. I don't have any problem with the reply.

**The Vice-Chair (Ms. Lisa MacLeod):** We'll go to the Clerk after we speak with Mr. Bisson—I think you wanted to—and, Steve, did you want your name on the list?

1420

**Mr. Gilles Bisson:** I hear your point, but I would just say two things; there are two ways of dealing with it. One is, first of all, on an opposition day, we all know when the vote's going to happen. It's going to happen at 5:50 or—you know. But you know it's going to happen at a particular time, so you organize yourself. But there are other ways of accommodating a 10-minute bell, and we can ask the Clerk to give her recommendation.

**The Vice-Chair (Ms. Lisa MacLeod):** Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** To be honest, this was one of the issues, after the committee had a discussion about opposition days and when we had a discussion, that was of concern. Part of the reason for the 10-minute bell currently is that—maybe not part of the reason; maybe the only reason—that is a non-deferrable vote. There are other bells that you'll notice are five minutes; anything during routine proceedings, for example.

Typically, if a vote is deferrable—

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** So the 10 minutes was put in there as opposed to five minutes for that reason. It's a non-deferrable vote, so you have to give time for members to actually get to the House for the vote. It's not always clear that the vote is going to happen between 10 to 6 and 6 because if, as happened yesterday, a party doesn't use its full allotment of time, it could occur at a time that's unexpected. So that was really the rationale behind the 10-minute bell in the first place.

That was of concern when there was discussion after the committee talked about it among ourselves, and that's why there's an additional provision in this that says, "All right, then make the vote deferrable." If you make the vote deferrable, then any party, using the same arrangement it uses now for any deferred vote—any whip of any party can cause the vote to be deferred and taken up at deferred votes on the following day.

By putting that in, it's a fail-safe, so that if there's any whip who says, "Jeez, there are going to be people from my party who can't be here," that vote can be deferred.

**The Vice-Chair (Ms. Lisa MacLeod):** Steve, you had a comment. Anyone else—

**Mr. Steve Clark:** No, she just made it. The Clerk just made it.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay. So what's the—

**Mr. Bas Balkissoon:** Just one comment

**The Vice-Chair (Ms. Lisa MacLeod):** Okay.

**Mr. Bas Balkissoon:** I hear what the Clerk is saying and it makes a lot of sense, but take, for example, yesterday. I know it's a scheduled vote and I will show up. I'm

next door. We have some members—their offices are down on University, or Bay and College. But when it happens earlier, it is now left upon us as the government members who are not here—and our House leader or our whip is clued in that we're not going to make it back. If you said to me that if the vote is going to take place other than at the scheduled time and it's an automatic deferral of the vote, then it makes it a lot easier.

**The Clerk of the Assembly (Ms. Deborah Deller):** We could do that too.

**Mr. Bas Balkissoon:** Because a lot of our members have been caught not making it back because they're coming from elsewhere.

**The Clerk of the Assembly (Ms. Deborah Deller):** In other words, what you're saying is, if the question is going to be put earlier than—

**Mr. Bas Balkissoon:** Than 5:50.

**The Clerk of the Assembly (Ms. Deborah Deller):** —than 5:55, if you allow for the five-minute—

**Mr. Bas Balkissoon:** Or whatever, yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** —if the question is put earlier, that vote is automatically deferred.

**Mr. Bas Balkissoon:** Yes.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Bisson, then Ms. Cansfield.

**Mr. Gilles Bisson:** I would disagree. I would argue two things: One, if the vote is going to happen earlier, as it was yesterday, then there's room for a 10-minute bell to deal with that. The bigger issue is the right to defer the bell. Every whip in every party knows where their members are. They're on committee; they're out at meetings—

**Mr. Bas Balkissoon:** Not always.

**Mr. Gilles Bisson:** Listen; I was in government. I worked in the whip's office. I've been there, done that. Here's the rule: When in doubt, defer. If I'm the government or I'm the opposition, but mostly the government, and I'm in doubt that I'm going to have my members there for a vote, I'm going to defer it because I want to make sure my people are there.

**Mr. Bas Balkissoon:** But yesterday, to be honest with you, all of us were not aware that the debate would collapse early, and it did.

**The Clerk of the Assembly (Ms. Deborah Deller):** So if you had this standing order, this would have allowed your whip to defer that vote.

**Mr. Bas Balkissoon:** If he's aware his members are not going to make it back.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Balkissoon, Ms. Cansfield did have her hand up.

**Mrs. Donna H. Cansfield:** The bells are ringing here, so I'm getting my head around—

**Mr. Steve Clark:** Is it a 30-minute bell?

**Mrs. Donna H. Cansfield:** Yeah, these bells.

If you go back and you think about it, you get a 30-minute bell for deferring debate, right? You get a 30-minute bell for deferring adjournment. You get a 30-minute bell for deferring second reading, right? And

you get a 30-minute bell for deferring third reading, but you only get a five-minute bell for an opposition day motion and then you want to defer it. So I'm having trouble with my bells here. Why? Because that doesn't hold for the argument on a deferrable because you've got two that already take 30 minutes to defer.

**The Clerk of the Assembly (Ms. Deborah Deller):** You've also got the time allocation motion, which allows for a 10-minute bell and it's deferrable.

**Mrs. Donna H. Cansfield:** So there's room for some adjustment in the—

**Mr. Bas Balkissoon:** Let's be fair to each other.

**Mrs. Laura Albanese:** And the bells.

**Mrs. Donna H. Cansfield:** And the bells. My issue is just getting people there in time to be able to vote—

**Mr. Bas Balkissoon:** It's a government issue because our offices are not here.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Clark?

**Mr. Steve Clark:** So then the question is, if I move an adjournment of the House at 20 to 6, the bells ring until 10 after. So if this suggested motion was changed to say "a 10-minute bell"—

**Mr. Gilles Bisson:** I would argue against it.

**Mr. Steve Clark:** I'm just asking. So what would be the net result if you did a 10-minute bell, still allowed us to defer—

**Mr. Bas Balkissoon:** But it's the early collapse that will cause us a problem.

**Mr. Steve Clark:** But again, it goes back to what others have said. You could still defer the vote.

**Mr. Bas Balkissoon:** But the thing is, our whip does not always know where members are.

**Mr. Gilles Bisson:** Hire a new whip.

**Mr. Bas Balkissoon:** Our House leader does not always know where—

**Mr. Steve Clark:** I'm going to send Hansard to him. I'll send him committee Hansard.

**The Vice-Chair (Ms. Lisa MacLeod):** Any more questions on this to the Clerk?

**Mrs. Donna H. Cansfield:** I think it should be a 10-minute bell to just allow people the courtesy of getting—

**Mr. Bas Balkissoon:** It's either an automatic deferral or a 10-minute.

**The Clerk of the Assembly (Ms. Deborah Deller):** You can, as a committee, decide on whatever time for the bell you like. The only reason that we put in the five minutes was to allow the right of reply for the mover of the motion or his or her designate. So if you're going to stick with the 10-minute bell, then you might want to consider how you allow for that right of reply within the time. Maybe you reduce the overall time for each caucus and take the two minutes out of that and allow for the mover of the motion to have—something like that. Or maybe two minutes, much like you do with private members' business.

The issue around the 30-minute bell versus 10 minutes or five minutes is, you can't predict with any degree of accuracy when a motion to adjourn debate or House is going to be moved, nor can you necessarily predict when

debate will collapse on second or third reading of a bill unless it's time-allocated; and if it's time-allocated, the bill is shorter. So that's why it's different.

With opposition days, you know, within at least a couple of hours, when that vote is going to occur. You knew yesterday that there was going to be a vote. That's why the differentiation in the time limit on the bell.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay, Ms. Albanese and then Ms. Cansfield.

**Mrs. Laura Albanese:** This may be very simplistic, but if we allow for the 10-minute bell, could not the debate end five minutes earlier, at 5:45?

**Mr. Bas Balkissoon:** Then everybody will have less speaking time.

**Mrs. Laura Albanese:** But we allow the five minutes for the mover.

**Mr. Bas Balkissoon:** Or we put it in, the party that moved it, in their time so that they know that they have equal time.

**Mrs. Laura Albanese:** Or we put it in that time, yeah.

**The Vice-Chair (Ms. Lisa MacLeod):** Mrs. Cansfield and then Mr. Schein.

**Mrs. Donna H. Cansfield:** The only other option is that I guess you could defer automatically all opposition day votes.

**Mr. Gilles Bisson:** But—

**The Vice-Chair (Ms. Lisa MacLeod):** Just a second. Mr. Schein, are you—

**Mr. Jonah Schein:** No, I would ask to speak after

**The Vice-Chair (Ms. Lisa MacLeod):** I see; okay. Mr. Bisson.

**Mr. Gilles Bisson:** I think the reality is, there are plenty of occasions where we would agree that we actually want the vote to take place. So to Mrs. Albanese's point, I think she's probably right in her approach. There are two hours for an opposition day motion, and within those two hours we'd take into account the five-minute right of reply. End of story. I think it deals with your bells and it deals with the other thing. I think it's an easy way to deal with it.

I think you want to give the whips the opportunity to say, "We don't want to defer this. We want the vote now." There may be some reason that the parties want to do that.

You still get your 10-minute bell.

**Mrs. Donna H. Cansfield:** If I may, you could reduce the reply to two or three minutes and then put it in the other way. There are a few places you could go on this, right?

**Mr. Gilles Bisson:** What's that?

**Mrs. Donna H. Cansfield:** Typically, the reply has only been two minutes, right?

**Mr. Gilles Bisson:** Well, no.

**Mrs. Donna H. Cansfield:** Except for ministers, up to 20 minutes.

**Mr. Gilles Bisson:** It's 20 minutes for any bill.

**Mrs. Donna H. Cansfield:** But no other member, just a minister, can take up to 20, or everybody can?

**Mr. Gilles Bisson:** Minister or parliamentary assistant.

**Mrs. Donna H. Cansfield:** Can take up to 20, but nobody else can.

**Mr. Gilles Bisson:** Because it's their bill. See, the idea is, it's the minister's bill. The minister has listened to the entire debate and may choose to respond, or the parliamentary assistant may choose to respond, to what was said in the debate. So: "As a result of the debate, I would like to talk about the following when it goes to committee. I'd be interested in doing the following things," blah, blah, blah. That's why you get the right of reply of 20 minutes.

1430

A private member's bill is a much different issue, because it's less than a one-hour debate. That's why there's a two-minute reply. So I would argue five minutes or four minutes makes sense, as far as right of reply, and I'm with Mrs. Albanese: Work it into the time of the actual debate.

**Mr. Bas Balkissoon:** The existing time.

**The Clerk of the Assembly (Ms. Deborah Deller):** And it is there. It's currently in the standing order.

**Mr. Bas Balkissoon:** No, but I think what Gilles is saying is, let's make it mandatory that the mover of the motion gets the last five minutes, so the chicken situation is gone.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's to get away—

**Mr. Bas Balkissoon:** It's to get rid of the chicken situation. Put it in that the party that moves the motion, they're the last speaker and they get to speak for five minutes, and they have to save that out of their speaking time.

**Mr. Gilles Bisson:** No. What the Clerk was pointing out is that, currently, you can do right of reply. Yesterday, Andrea did a two-minute right of reply. She could have done four or five minutes.

**Mr. Bas Balkissoon:** Right, but you had to leave that. It was your option to leave the time.

**Mr. Gilles Bisson:** But here's the problem. They had time on the clock. She could have got up, she could have done a right of reply, and they could have got up and had the debate and that would have been the end. That doesn't give you right of reply to have the thing in the standing order as it stands now.

The point is to give the mover of the motion the same opportunity as a minister who authors a bill. How we do it—we can do it different ways.

**The Vice-Chair (Ms. Lisa MacLeod):** Or through private members' business.

Do we have some direction for the Clerk here?

**Mr. Gilles Bisson:** I think we do.

**Mrs. Donna H. Cansfield:** I'm not sure, to be honest. I mean, I'm still stuck—

**Mr. Gilles Bisson:** Donna, your issue—

*Interjections.*

**Mr. Gilles Bisson:** Donna, your issue is the 10 minutes, right? The 10-minute bell.

**Mrs. Donna H. Cansfield:** My issue is people getting there in time.

**Mr. Gilles Bisson:** Okay, we'll give you the 10-minute bell.

**The Clerk of the Assembly (Ms. Deborah Deller):** So if you change this to: "After two hours of debate on an opposition day held on a Monday, or at 5:45 p.m. on an opposition day held on a Tuesday or Wednesday, the mover of the motion may reply for up to five minutes," and then change the division bells from five to 10 minutes.

**Mr. Gilles Bisson:** Yeah.

**The Clerk of the Assembly (Ms. Deborah Deller):** Then you're not altering the amount of time allocated to the opposition day.

**Mrs. Donna H. Cansfield:** Just to let people get there in time.

**The Vice-Chair (Ms. Lisa MacLeod):** Yeah, that's fine.

**The Clerk of the Assembly (Ms. Deborah Deller):** Does that work?

**Mr. Gilles Bisson:** That works. We can live with that.

**The Vice-Chair (Ms. Lisa MacLeod):** Are we keeping the deferrable?

**Mr. Gilles Bisson:** Put it in there for now, and we'll have to talk to our caucuses about whether we want to defer opposition day motions, because there may be some reasons we don't. I think it's there to be discussed.

**The Vice-Chair (Ms. Lisa MacLeod):** All right. Why don't we endeavour, then, to send this back to our House leaders and move on to financial provisions.

Sorry, I did have Mr. Schein on the list.

**Mr. Jonah Schein:** As somebody new here, I'm listening more than I'm talking at this point. But last week, we spoke briefly about accessibility, and mostly for members inside the House. I've got a real concern about accessibility to this space for people outside of the House. We've talked very briefly about how we televise committee meetings and so forth. I'm curious to know from other people: Is there an interest in having a longer conversation about how to take what's really an obscure place and open it up to the public? I'll just give a couple of examples of what I mean by that, to see if people are interested and if this is the appropriate place to have that discussion.

For folks who have been here for a while, all of this makes a lot of sense, and it serves the purposes of people in here, but I think for people on the outside, it's very easy to lose the thread of what's happening. It's hard to understand what's happening on the inside. I think it's in the interests of the greater good that we make this place more accessible to folks.

Some things like that are very simple, things like—obviously, the committee process of having the public welcomed in to depute is very important, but how do we get that information out to people, for example? Are there better ways that we could make sure that people know they have an invitation to come and depute to committees? That's about notices.

But also ways about how do we—this would actually be a fairly radical suggestion, I think, which would be: Are there ways that we could summarize the debate? More people tune in to vote on American Idol than do in elections, but there are things that people do on those shows that summarize what's happening. What's happening in the House? So after a 12-hour debate, could there be three—you know, the use of members' statements in a slightly different way: This is our position, as one party; this is why we're supporting this bill; this is why we're opposing it. It would give the public some understanding of what's happening, and some way of then disseminating that information. Those are just a couple of comments.

To me, when we look at voter turnout, when we look at cynicism in politics, I think we're losing that thread in here. I think we're at risk of not reaching out and making that connection, and I wonder if there's a way that we could do that, to create plain language for people to understand things.

**The Vice-Chair (Ms. Lisa MacLeod):** Well, you made some good points, and I know Mr. Clark would like to speak. Would anybody else like to be on the speaker list? Cansfield and Albanese?

**Mr. Steve Clark:** I just want to speak directly. As Mr. Schein was expressing his concerns, it reminded me of the clip that the Clerk and the Speaker play prior to question period on the legislative channel. It just dawned on me that we don't have that same clip on our own website, so that people could access that and then understand the live feed that takes place. I happen to think that's a very quick video clip that gives some credibility to, "This is done at this time of day; this is done in the afternoon." Again, it's one of my pet peeves, as I know you know, that we don't have a very robust folio of items on our website that would be able to cover committees and live stream some of those hearings that we have and that are going on right now this week in the Legislature.

We don't do a good job, but at the very least we've got the clip that's done that's played every day. To me, it should be very easy for us to put it into a video and pop it on the site. That would address some of Mr. Schein's concerns. I think it would be a pretty easy thing. And the Clerk does such a good job on it as well.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay, we have a speaker's list here: Cansfield, Albanese and Bisson.

**Mrs. Donna H. Cansfield:** Thank you very much. Your points are well taken, but I think there's really a broader issue on consultation, process, how you go out and consult with whom, how, on what issues and how you use the digital far more effectively—the teleconferencing. We live in a digital age, and yet our communications really are more minimal than they were in the past. We're very instant with our BlackBerrys, but it's very internal as opposed to the external.

And you're right, there is a bit of apathy out there with respect to what goes on, and it's hard for people to come

to this building—I don't mean physically, but just to get here. It's much easier for a few people to go to where more are than a lot to come. Typically, what happens is you get a vested interest in a stakeholder here as opposed to the broader community, in some other ways.

I think it's a discussion that needs to take place in a broader context—how you use multicultural news media, how you can use the parliamentary channel or the Clerk, as was suggested by Mr. Clark. There's a whole host. But I don't know how or if it does fit into this. I think it's a discussion that needs to take place, but I'm not sure where, to be honest with you.

**The Vice-Chair (Ms. Lisa MacLeod):** I think we've had a couple of these, where, "It seems like we should be studying this. However, is it in the standing order requirement?"

Have you concluded?

**Mrs. Donna H. Cansfield:** Yes. Thank you.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay. Ms. Albanese and then Mr. Bisson.

**Mrs. Laura Albanese:** I agree that it's a topic all on its own that would require a lot of attention, and rightly so, as you say for the questions of disability, but also questions of apathy of our voters in general. It goes back to communications and how do we communicate.

Talking about the parliamentary channel, for example, just as we were talking, I think that there is a need to modernize it and to make it more accessible. A few things that I could think of just as the conversation was going on here: Maybe the Speaker or the Clerk could do a one-minute wrap-up of the day: "Today we spoke about this and this happened in the Legislature." You could have tomorrow and another 30-second clip about what bills are going to be debated tomorrow, what committees are going to be debated tomorrow, what consultations are needed. You could have another minute blurb on "Did you know that?" and explain a rule. I do have a communications background and I guess I can offer some ideas, but these are just some of the few things that I think would make it more appealing, even for young people to watch and for anybody to say, "Let me see what's going on tomorrow or what happened today."

**The Vice-Chair (Ms. Lisa MacLeod):** This is a pretty important discussion, so I think we're going to go through this and put off the financial provisions for next week. We still do have two more speakers, and I'd like to chime in, and then I'll give the last word to Mr. Schein on this. But Mr. Bisson, then Mr. Clark.

1440

**Mr. Gilles Bisson:** Well, just a couple of things. I think it's an important point. It is within the purview of this committee. It may not be within our motion that put us into the review but it is the purview of this Legislative Assembly committee.

I would just say a couple of things, not to repeat everything that was said. There are two assets that we don't use in my view. The first one is that we don't fully use the assets of broadcast services that are here. It would be pretty inexpensive to, in an innovative way, use

broadcast services to do some of the stuff similar to what Mr. Clark raised in regard to what this place is all about and what you can do to come to present at committee and all those generic kind of things.

The other thing that we don't use, quite frankly, is TVO and TFO. Those are paid by this Legislature. We apportion the dollars for them to operate, and the fact that they don't even run question period, for Christ's sake, I think is—I can watch question period at what time? At 2 or 3 o'clock in the morning? I know that because I wake up at that time of night and I see question period and I often watch reruns. But it seems to me that if we have public broadcasting, we should be a little bit more—how would you say?—engaging with the public broadcasters, both French and English, to be able to not only broadcast question period but look at some of the work that CPAC has done. CPAC has done some really interesting stuff on various issues—back to Mr. Schein's point—and I think it's something that maybe we should get into a little bit later.

**The Vice-Chair (Ms. Lisa MacLeod):** All right. Mr. Clark.

**Mr. Steve Clark:** It's pretty scary; I was basically going to say the same thing that Mr. Bisson said. Although it's not part of our standing order review, broadcast services is under this committee. When I became a new member in the last sitting, we did a tour of broadcast services and I found that was very good. It gave me, as a new member, an overview of what not only we do but what we can do. I think that is something that we should, as part of our committee—obviously, it's not part of the standing order but it's an important issue.

Speaking to TVOntario, I know that my predecessor had a very strong view about what TVO should cover in terms of our proceedings. I think they had the chair before one of these legislative committees and talked about that. But I can also recall, as a younger person, being able to watch—I think they always gave equal time. I think it was on Friday night or something, where every party got to do a little commercial on rotation on TVO. It was pretty interesting. I can remember turning on at the time—two thirds of the time I would turn it off—but that's again something that I think we should investigate. Thank you, Chair.

**The Vice-Chair (Ms. Lisa MacLeod):** I'd just like to thank you. I'll just contribute my own views before Mr. Schein wraps this up for his discussion. I agree that we should be addressing that issue in here. I think it's something we've all talked about over the years. I put forward my own resolution at one point about TVO and TFO being compelled to actually play our question period daily. That might be something this committee should pursue in the next months. I couldn't agree more; I think that this Legislative Assembly committee should be looking at how we broadcast our committees. In the last couple of days, we've had Bill 13 and Bill 14 in committee, where there's been standing room only and a holding room, and people can't watch the proceedings and who's speaking. It's sort of just this table. I think it

would be important for us to make the investment that (a) we webcast our committees and (b) that we actually make sure that we have the ability to broadcast the committee much like we would of 151. I think that's important.

The other point I just would like to make—I know I've said this before but I would like to reiterate it—is that I think that we do a disservice to the people that we represent all across of Ontario when we only have public hearings in Toronto. I come from eastern Ontario, as some other colleagues here do. We have northern members, like Mr. Bisson, and we have folks from the southwest. It's not always easy to come to Toronto. I think it creates a relevancy that our assembly is listening at our committee stage. I think we're underutilizing that.

Those are my points. Mr. Schein, would you like to wrap up?

**Mr. Jonah Schein:** Sure. Just very briefly, I'm glad that other people are interested in this. I would ask if we could actually spend an allocated time going beyond what we just spoke about. I would suggest, actually, that there are folks who have given this idea some thought, generally, and would be good people to bring in and present about this. I think ultimately bringing the public into this would actually force us to address some of the more structural issues around setting public policy, and I think the public would push us harder than we're able to push ourselves and see kind of a wider angle on this. So my request would be, could we allocate more time for this for longer discussion and could we bring in—

**The Vice-Chair (Ms. Lisa MacLeod):** Public hearings?

**Mr. Jonah Schein:** Yes, somebody to speak to how to make this a more accessible process to the community.

**The Vice-Chair (Ms. Lisa MacLeod):** I'm going to let the Clerk speak, but I just wanted to point out that it's

a good idea. We should pursue it. But we have to get the standing orders done, as the order of the House suggests. Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** I would just say that I would welcome the opportunity to have that discussion with the committee. It does have the mandate to look at broadcast and recording.

I just wanted to very briefly tell you there a couple of things we are doing. We're currently revamping the educational component of our website, and we're proposing to put on that interviews that kids are doing with some of the parliamentary players and to have that there to just make it a little bit more interesting.

The comment that you mentioned, putting that parliamentary process video on the website, we're actually going to take that away and probably do it, because I think maybe it's just something that hadn't occurred to us. It's easy enough to do.

**The Vice-Chair (Ms. Lisa MacLeod):** Ladies and gentlemen, we have about 10 minutes left. We have an option to start the financial provisions and not finish it, or we can adjourn a few minutes early.

**Mr. Gilles Bisson:** We should adjourn.

**The Vice-Chair (Ms. Lisa MacLeod):** Adjourn? We'll start fresh. This meeting stands adjourned until next Wednesday—

**Mr. Gilles Bisson:** Can I just ask, before we adjourn, one last thing? Can we ask the clerk to reorganize binders for next week in some sort of way—bigger, tabs, legend, all that stuff? Thank you.

**The Vice-Chair (Ms. Lisa MacLeod):** The committee clerk will take that under advisement and do what's necessary. The meeting stands adjourned until next Wednesday at 1 p.m.

*The committee adjourned at 1448.*







## **CONTENTS**

Wednesday 9 May 2012

Standing orders review .....	M-125
------------------------------	-------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Jeff Leal (Peterborough L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

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#### **Also taking part / Autres participants et participantes**

Ms. Deborah Deller, Clerk of the Assembly

Mr. Todd Decker, Deputy Clerk of the Assembly

#### **Clerk / Greffier**

Mr. Trevor Day

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Mr. Larry Johnston, research officer,  
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M-10

M-10

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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 16 May 2012

# Journal des débats (Hansard)

Mercredi 16 mai 2012

## Standing Committee on the Legislative Assembly

Standing orders review

## Comité permanent de l'Assemblée législative

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 16 May 2012

*The committee met at 1302 in room 228.*

## STANDING ORDERS REVIEW

**The Vice-Chair (Ms. Lisa MacLeod):** Good afternoon, ladies and gentlemen. I'll be in today. We'll do a few housekeeping announcements before we start. Hopefully, that will allow our colleagues who are still downstairs to come up.

I just quickly wanted to draw your attention to a sheet of paper circulated by the clerk, from the Canadian Study of Parliament Group. There will be a conference at the Government Conference Centre in the city of Ottawa on Wednesday, May 23—that's a week from today—from 8:30 until noon. As a non-member, the fee is \$200, and you're welcome to attend this. The committee will cover your costs if you're interested in attending this. It's a technical briefing on how the legislative process works, and there will be a discussion panel with sitting and former members of Parliament and senators, and they'll talk about their diverse experiences as legislators, including frustrations, victories and suggestions for people involved in staff support. That will be taking place next week. Again, the cost is \$200 and, as a member of this committee, that fee will be covered by the committee. If you're interested in attending, please see the clerk.

**Mrs. Laura Albanese:** Do you know if it will be available online—

**The Vice-Chair (Ms. Lisa MacLeod):** I believe it's just available in person. However, we could request that the clerk see, if there are any circulations or handouts, that they be sent—

**Mrs. Laura Albanese:** I will not be able to attend on May 23. I have a day procedure, a personal health matter, that will not allow me to attend.

**Mr. Bas Balkissoon:** Is the committee picking up the fees and transportation, or just fees?

**The Vice-Chair (Ms. Lisa MacLeod):** The question is, does the committee pick up the fees and the hotel and travel?

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**The Vice-Chair (Ms. Lisa MacLeod):** Yes. So, Mr. Balkissoon, if you're interested in attending that, please feel free to let the clerk know if you're representing the committee.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 16 mai 2012

The second thing is, for those of us who will not be attending, we're wondering if there might be an ability for us to receive any of the handouts or any other marketing material.

**Mrs. Laura Albanese:** Or online, if it's being filmed.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'll pick it up for you.

**The Clerk of the Committee (Mr. Trevor Day):** The Clerk is going to be there.

**The Vice-Chair (Ms. Lisa MacLeod):** So the Clerk will attend and she'll pick it up for us.

**Mr. Balkissoon,** you're interested in attending this?

**Mr. Bas Balkissoon:** I have to check. I already made commitments for next week, but I'll see if I can fit it in.

**The Vice-Chair (Ms. Lisa MacLeod):** Just quickly, I'd remind members to take their microphones and put them down just for Hansard's sake.

Mr. Dunlop is away today. He will not be here, so I'll be chairing the meeting. Also, Larry, our researcher, is not here. Peter will be here instead for him.

Today we're going to be discussing tabs 26 to 29. We'll start off where we left off last week. I'd ask that the Clerk walk us through the financial provisions draft options document. That's tab 26.

Mr. Clark?

**Mr. Steve Clark:** Thank you, Chair. I just want to thank you for this wonderfully organized binder. I just want it on the record that I'm extremely impressed. Despite all my attempts to be unorganized in this committee, it's nice to see someone's looking after us.

**The Vice-Chair (Ms. Lisa MacLeod):** That's great, thanks. Any other comments before the Clerk makes a presentation?

Okay. All yours, Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** Just by way of a refresher, this came about because when we discussed private members' public business initially, there was some discussion about the money bill provision that exists in the standing orders and potentially some concern about how that was or wasn't applied. This was intended to address that, and I'm going to let my colleague walk you through it.

**The Deputy Clerk (Mr. Todd Decker):** This document basically is talking about a financial initiative of the crown, which is really a constitutional provision, a legislative provision, and is also in our standing orders. It gets to the very heart of responsible government in that the

government of the day is responsible, as Mr. Balkissoon was talking about at an earlier meeting, for the spending of the government, for guarding the treasury of the province.

The principle has arisen whereby only a minister of the crown, only the government of the day, is able to initiate a piece of legislation or some other proposal that would cause money to be spent or to impose a tax on the general public in any other way. What this means is that private members cannot by way of a motion or in a piece of legislation put forward a proposal that would expend funds from the consolidated revenue fund or that would impose a tax.

One of the issues that was broached by Mr. Balkissoon at that earlier meeting was that, as a private member on the government side, he feels constrained to bring forward proposals that, even if they aren't infringements on the financial initiative of the crown, still would have some sort of cost attached to them.

Nothing here would actually get at that, but what this document also talks about is some language that has started creeping into the drafting of private members' public bills here—and in other Canadian jurisdictions, by the way; this has become a common thing. On the second page of this are examples from recent bills here in Ontario, private members' public bills, that make a financial provision that, if passed, would ostensibly require an expenditure to be made, but with the condition that it's out of money appropriated by the Legislature or if the Legislature, by appropriation, authorizes payment. That seeming condition has been understood to be enough to exempt the bill from being found to be a money bill.

The real problem, though, is that if any of these ever pass, there's no real way to keep track of them in the statute database. Going forward, if they were to pass, they seem to require a discrete and separate appropriation. How would that be brought to the attention of the Legislature? Will the Legislature in a separate estimate, in a separate line item, separate vote, actually be asked to vote specifically for that expenditure that's in a private member's bill?

One other thing I would say in passing is that in the House of Commons, private members can introduce legislation that is a money bill. That's not disallowed there. The bill cannot, though, go forward and be passed unless the recommendation from the Governor General is eventually received. That would be at the request of the government of the day, of a minister of the crown. So while there they can actually introduce bills that, if passed, would cause expenditure of public funds, that would only be so if—in our case, it's the Lieutenant Governor's recommendation; in the government of Canada the Governor General's recommendation would have to be brought forward by a minister of the crown.

**1310**

This is just making the recommendation that this was perhaps a slippery slope with this kind of drafting and the committee might want to consider whether or not it's appropriate to have those bills come forward in Ontario.

**The Vice-Chair (Ms. Lisa MacLeod): Clerk?**

**The Clerk of the Assembly (Ms. Deborah Deller):** If I could just add to that, this kind of wording has, for some time now, caused us some concern because, in our view, it's a kind of back-door way of getting a money bill introduced into the House. That's a bill that would not otherwise have been allowed.

**The Vice-Chair (Ms. Lisa MacLeod):** Any comments? Mr. Balkissoon?

**Mr. Bas Balkissoon:** If I look at the first page, which is standing order 57, it talks about imposing a tax or spending money, but my interpretation of the removal of the HST on home heating is a loss of revenue to the treasury. This doesn't talk about loss of revenue. So even 57, as it stands today, has a flaw in it. To me, that bill was a money bill because it does cause a loss of revenue to the government, and that bill should not have been allowed, in my interpretation. Maybe my interpretation is too narrow, but that's the kind of concern I have. If you look at 57, it just talks about additional spending. It doesn't talk about lost revenue. A member can bring a bill and get it passed, and it causes a loss of revenue. It should really say "directly or indirectly," too, because some of them have major costs to implement what is being suggested in the private member's bill.

**The Vice-Chair (Ms. Lisa MacLeod):** We have a speakers list. Clerk, would you like to—and then Mr. Bisson. Go ahead, Mr. Bisson.

**M. Gilles Bisson:** Deux affaires : premièrement, je pense que ce qui arrive, c'est qu'on se mélange un peu avec où on est rendu.

I'll let you put on your écouteurs in case there are those that need translation. I tried to start that very slowly. I'll just let you get your écouteurs.

Donc, le point que je fais c'est qu'il y a deux affaires ici. Premièrement, c'est seulement le gouvernement qui est capable d'appeler un projet de loi à la troisième lecture. Donc, le fait qu'un député décide de dire, « Je veux introduire un projet de loi avec ces provisions », ça donne l'occasion au député ou à la députée de dire, « On va proposer quelque chose de différent qui va arriver » que d'habitude le gouvernement, peut-être, ne veut pas faire. Et la sauvegarde, c'est que c'est seulement le gouvernement qui a le droit d'appeler ce projet de loi, si passé après la deuxième lecture et au comité, à la troisième lecture. Le gouvernement, ultimement, a le droit, l'autorité et tout dont ils ont besoin pour être capable de contrôler ce qui va arriver à la fin de la journée.

Le deuxième point que je fais à ceci, c'est sur le dernier point que M. Balkissoon fait. Il dit qu'il y a l'autre occasion où un député introduit un projet de loi où ça va réduire—parce qu'on peut introduire un projet de loi qui dit : « Je propose que certaines taxes soient réduites. » C'est alloué sous nos règles. Et encore, je fais le même point : si on commence à éliminer et réduire l'habileté des députés de tous bords de la Chambre d'introduire des concepts—peut-être que je ne suis pas d'accord avec ce projet de loi, mais il y a un député qui a

le droit d'avoir ce débat à l'Assemblée, qu'on peut avoir cette discussion publique. Encore, ça revient au premier point que j'ai fait : c'est le gouvernement seulement qui peut décider si ce projet de loi va être appelé pour la troisième lecture.

Donc, je comprends le point de M. Balkissoon parce que le problème que vous avez, c'est que dans votre caucus, parce que vous êtes au gouvernement—puis j'imagine que c'était le même pour les conservateurs, puis peut-être que c'était le même pour nous autres; je ne m'en rappelle pas. Mais le gouvernement dit : « Écoutez, faites attention avec vos projets de loi privés parce que le gouvernement va être vu, parce que vous êtes dans le caucus du gouvernement, d'une certaine manière si tu proposes quelque chose qui va nous coûter de l'argent, ou bien qui va dans une direction opposée à celle du gouvernement. » Mais ne faites pas de ça la raison pourquoi on veut réduire l'habileté d'un député de faire son travail. C'est important, je pense, qu'on puisse pousser la question sur quelque chose que possiblement le gouvernement n'est pas en accord avec, mais la sauvegarde, c'est toujours le gouvernement qui a le droit et l'autorité de décider si un projet de loi va être appelé à la troisième lecture.

**The Vice-Chair (Ms. Lisa MacLeod):** Thank you very much, Mr. Bisson. I know Mr. Clark had his hand up. Would anybody else like to add their name to the speakers list?

**Mr. Steve Clark:** No, I just want to follow up on what Mr. Bisson said. I tend to agree with him that third reading control, ultimately, is the government's responsibility, and we all know that even in a minority Parliament the government still has a pretty significant hand in which bills get put forward. I appreciate what you've said. I certainly tend, at least personally—it does not necessarily reflect the views of some people in my caucus, but I wouldn't be opposed to opening it up in other ways, like what happened in British Columbia with some of the direct democracy opportunities that the public have to get a bill before a committee of a Legislature and ultimately to the floor of that particular Legislature. So I don't particularly share some of those concerns. I think the system that we have, although not perfect, has some controls that bills don't get through; case in point, the bill that Mr. Balkissoon refers to, Mr. Mantha's bill, Bill 4. I don't see it rushing back to the floor of the Legislature to have a third reading debate.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Balkissoon?

**Mr. Bas Balkissoon:** I don't disagree with what they're saying, that a member should have the opportunity to raise an issue and have a debate about it, but we have two processes here: We have a process of a motion, which is raising the awareness and getting the debate out there, and we have the process of a bill, and a bill is legislation. If you proceed to second reading, then you go out and do public stakeholder meetings, you're raising the hopes of people. To me, that is inappropriate. So if I had an issue that I wanted to raise and I wanted to raise

the awareness of the government and say, "Look, this is something the public is concerned about," we have the motion route. But the legislation route is to take a piece of legislation and amend it or create a new piece of legislation. That's the way I look at it and that's why I raised the issue.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay, Mr. Bisson and then Mr. Clark, and then we'll ask the Clerk to speak.

**M. Gilles Bisson:** Pas beaucoup d'autre, mais c'est exactement la raison pourquoi on a besoin de donner au député cette habileté d'introduire son projet de loi. Si tu ne peux pas—comment dire?—attirer l'attention du public sur une question, pourquoi est-on ici? Une partie de ce qu'on fait comme députés, c'est, oui, de représenter nos communautés à toutes les affaires qu'on fait, mais aussi d'avancer des concepts qui ne sont possiblement pas en vogue aujourd'hui.

Par exemple, si quelqu'un a une initiative qui n'est pas acceptée par la majorité, et même si elle a des conséquences fiscales, le point c'est d'avoir le débat. Et je pense que le public comprend que c'est un projet de loi d'un membre privé et que ça va prendre une majorité de l'Assemblée, y inclus le gouvernement, pour être capable d'accepter que ce projet de loi passe en vigueur.

Donc, je pense que c'est notre responsabilité et c'est pour cette raison qu'on a besoin de toujours respecter le droit des députés d'introduire ces projets de loi pour au moins avoir le débat. Là, ça devient que le gouvernement fait une décision. Soit qu'ils disent : « Bonne idée », à quel point, d'habitude, quoi qu'il arrive, le gouvernement introduit son propre projet de loi. C'est comme ça que ça doit être. Moi, je n'ai pas de problème. Ou, le gouvernement dit : « Non, on n'est pas d'accord. » Puis au moins tu as eu le débat et ça continue.

**The Vice-Chair (Ms. Lisa MacLeod):** Merci, monsieur Bisson. Mr. Clark?

**Mr. Steve Clark:** I don't want to belabour the point, Chair, but on the issue of creating false hope for constituents, I think it's part of our job as members of the Legislature to communicate to people the process that we have. I had a constituent who felt, at our debate yesterday about gas prices, that we were able to, just by discussing it in the Legislature, have them reduced at the pump that night. So that's part of our education process. The resolutions and the bills that I table, I make sure, as I'm sure we all do, to communicate properly. But I believe firmly that the individual member should have all of those tools, no matter what he or she chooses to use. Whether it's an order paper question or a member's statement or a bill or a resolution, we should have that right to table that bill or that tool in any way we can.

**The Vice-Chair (Ms. Lisa MacLeod):** Ms. Albanese and then Ms. Cansfield.

**Mrs. Laura Albanese:** I just wanted to point out that there's no question that we're all here to raise awareness, to bring points of view that may not be popular with the public at the moment, as Mr. Bisson was mentioning. It's not the only way to debate, though. To the example that

MPP Clark just made, yesterday's debate was based on a motion. When it's a private member's bill—

**Mr. Bas Balkissoon:** It's different.

**Mrs. Laura Albanese:** —we're talking about false hope or, in a way, trying to really be truthful to people as to what's possible and not possible.

1320

**The Vice-Chair (Ms. Lisa MacLeod):** Just quickly, Ms. Cansfield and Mr. Bisson.

**Mrs. Laura Albanese:** Or frank; maybe not truthful. Frank, honest. I may not be using the right adjective.

**The Vice-Chair (Ms. Lisa MacLeod):** I think your point is clear. Ms. Cansfield?

**Mrs. Donna H. Cansfield:** I guess for me, the issue is the question of why the bill is placed in the first place. If a person puts forward a bill, usually they anticipate that it will ultimately pass and become a piece of law. That's why you do it.

I think if you don't do it with that intent, that's disingenuous to begin with. But if that is the intent, then you have to be able to put forward something that you believe in fact has, working through the processes, the opportunity for success. I've unfortunately witnessed a few of the opposite, where folks have their hopes up; they have felt that there was something that might succeed because it was a private member's bill, but it wasn't going to succeed because it just wasn't in the cards to do so. I think that it's disingenuous to that individual and raises a hope when they can't possibly go through.

Again, you have to have some rules to play with in the game, and I think that the way the process is—I mean, yes, you could turn around and say, "All right, we have a bill. We're going to go through the process. We'll take it to second reading. It will have a money part to it. We'll go out and do all this public consultation"—which is public dollars to do this; this is all costing money as well—"but ultimately it will never be called." So what's the point of putting it in? I mean, that's to me not looking towards the final success of what you want to achieve.

**The Vice-Chair (Ms. Lisa MacLeod):** As the old adage goes, democracy ain't cheap.

**Mrs. Laura Albanese:** You can do it through a motion.

**Mrs. Donna H. Cansfield:** Yes, there are other options. If ultimately what you want to achieve is success with whatever you are attempting, then you either furnish the bill in an appropriate way that provides for that success or you use the other options that are available to you; for example, a motion, which can be—

**Mr. Bas Balkissoon:** It's the right way.

**Mrs. Donna H. Cansfield:** Yes, you're right. It's the right way in which to do it.

So we agree to disagree.

**The Vice-Chair (Ms. Lisa MacLeod):** Thanks for your comments.

Mr. Bisson, you had your hand up. Would you like to make one more comment?

**M. Gilles Bisson:** Juste courtement. Écoute, je pense que c'est regrettable d'utiliser le terme que ce n'est pas

honnête pour un député d'introduire un projet de loi qui, il sait, ne peut pas passer à la troisième lecture. Premièrement, il n'y a quasiment pas de projets de loi de députés privés qui sont passés à la troisième lecture, so let's not kid ourselves, comme ils disent en bon français.

Deuxièmement, la question devient qu'il y a certains projets de loi qui, tu le sais quand tu les introduis, n'ont aucune chance de passer à la deuxième lecture, mais tu veux avoir le débat—and d'autres occasions où il y a une chance de passer à la deuxième lecture, et tu sais qu'il ne va pas passer à la troisième lecture. Pourquoi? Parce que tu veux avoir le débat.

Par exemple, on va prendre notre ami, M. Mike Mantha, qui a un projet de loi qu'il a introduit qui est passé à la deuxième lecture, sur la TVH. Sur ce cas-là, M. Mantha et d'autres députés voulaient faire une expression contre une politique du gouvernement. C'est l'habileté de l'opposition, où même d'un membre du gouvernement, de faire ça, et dire que ce n'est pas honnête de faire ça, je pense, est regrettable.

**The Vice-Chair (Ms. Lisa MacLeod):** Merci, député. Clerk, would you like to respond to this? Or very quickly, Ms. Cansfield.

**Mrs. Donna H. Cansfield:** Thank you. I understand what you're saying, but if in fact the issue then is not to present a bill in order to have something become legislation, which is what I always thought a bill was supposed to do, but to raise an awareness about an issue, then the question becomes, is the bill the only format that you have in order to do that? That's a whole different question. So if the purpose is to raise awareness around an issue and encourage debate, what are the processes that are available for a member to do that? Right now, I guess Mr. Bisson is saying the only way to do that is through a private member's bill.

**Mr. Gilles Bisson:** No, it's not the only way.

**Mrs. Donna H. Cansfield:** Okay, but you're using that as an opportunity, as one of the ways. I guess, for me, I would think that there are other ways, or there should be a multitude of ways, to do it other than just having a private member's bill to raise awareness around an issue.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Balkissoon had a comment?

**Mr. Bas Balkissoon:** Madam Chair, I hear Mr. Bisson clearly. I'm assessing what he's saying, and he's saying that a member like Mr. Mantha, who raised that bill, wanted to raise a bill to show his opposition to the government—fair. But you know what? On private members' bills days, government is not sitting on the other side to defend those bills. It's private members like us, who are allowed to vote on private members' bills based on our opinion. So if you're challenging the government, that's not the place to bring it. You should be bringing a motion, as I stated before, because a motion will allow you to debate your opposition to the government. But when you bring a bill, it's a piece of legislation.

If Mr. Bisson is right, and he wants it to be that way, then I would say the whole government has to always be there to defend their position. That's not what private members' bills are for. To be honest with you, if you listen to the debate in the House on a regular basis, yes, when the opposition members bring a bill to oppose the government, a lot of times they attack the members on the opposite side speaking—that they're defending the government's position. And a lot of the times, you force the members on the other side to defend the government. I think that's inappropriate if it's private members' business. I should be able to stand up on a private member's business and speak my opinion. But quite often, I look at it, and it's an attack on the government, and therefore my personal opinion doesn't count; I have to defend my government.

I say this in all fairness to Mr. Bisson. Today, we're in government; tomorrow, it'll be somebody else.

**The Vice-Chair (Ms. Lisa MacLeod):** Well, we're hoping.

*Laughter.*

**Mr. Bas Balkissoon:** Let's look at a process that works for everybody.

**The Vice-Chair (Ms. Lisa MacLeod):** Did I say that out loud?

**Mrs. Donna H. Cansfield:** You did. It's in Hansard.

**Mr. Bas Balkissoon:** It's in Hansard.

I mean, I've been in government long enough to know that it changes. So let's put a process in place that is fair and equitable to all and so that the general public, looking at what we're doing, says, "I've sent my member there, and they're doing the job the right way," not the way to hook the government, not the way to embarrass the government; when you do that, all you do is deteriorate this place.

**The Vice-Chair (Ms. Lisa MacLeod):** Thank you very much for your comments, Mr. Balkissoon. I want to know, does anyone else have anything further to add on this point? Or shall we go to the Clerk?

**Mr. Gilles Bisson:** I will not be baited into another round. I will not be baited, is my point, et que vous comprenez très bien. Non, c'est fini.

**The Vice-Chair (Ms. Lisa MacLeod):** Merci. Madam Clerk, would you care to respond to all of these comments and ideas?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'll do my best.

Can I just go back to the financial provisions? The rules around what constitutes a money bill are constitutional in nature, and the standing orders that we have reflect that. Currently, the rules that define a money bill are that a bill has to have a recommendation of the crown, the Lieutenant Governor's recommendation, and can only be introduced by a minister if it imposes a tax or causes a direct expenditure from consolidated revenue. So you're right, Mr. Balkissoon: A provision that would reduce a tax or provide for a tax credit, for example, which has been allowed, too, wouldn't fall under the constitutional definition of what makes up a money bill.

Every bill in some way costs money, but it has to be shown to be a direct expenditure.

The issue of whether it's more appropriate to have something as a resolution or a bill, I think there is some merit to that discussion. But with respect to the money provision, that provision applies equally to a resolution as it does to a bill. So if you're not allowed to do something by way of legislation because, for example, it increases a tax, you also would not be able to do that by way of resolution or motion.

**Mr. Bas Balkissoon:** Then we need to find a new way.

**The Clerk of the Assembly (Ms. Deborah Deller):** But I'm just putting that out there. Whether it's a motion or a bill, the same rules apply.

To address Mr. Bisson, I think that's very true. In my view, every member has a right to introduce legislation as long as that legislation follows the rules that are set out in the standing orders. So to the extent that the legislation introduced by a private member does not increase tax or cause a direct expenditure from consolidated revenue, I think it's fair game for a private member to introduce.

1330

At the same time, I think that it's important to remember that there is also the principle that the government has the right to determine what is going to proceed through third reading. They always have—and must have—that final decision to make about whether or not a proposal for public policy is actually going to be passed into law.

I think the whole discussion about whether something that is brought to the attention of the public for consideration is more appropriately done by legislation or by motion is really a discussion for members to have, so I'm not going to wade into that.

This whole discussion, though, may be part of the reason why I think the House of Commons, over time, has really, more so than we have, relaxed their application of the money bill provisions for private members' bills and, in part, that's with the knowledge that the government ultimately has the say in what's going to move forward anyway.

I'm not sure if I hit all the points.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay? Shall we move on? All right.

The next tab is 27, draft options for the Speaker's authority and opposition days. Is anyone interested in commenting? We had a brief discussion on this last week.

**Mr. Gilles Bisson:** Can you help me, Chair? Can we have the Clerk just walk us through it without reading it word for word?

**The Clerk of the Assembly (Ms. Deborah Deller):** The "members with a disability" one?

**Mr. Gilles Bisson:** That one I think is pretty clear. I think what you were—yeah, there's that, then the opposition day, if we can go through that. Oh, no, we talked about this last week. Sorry.

**The Vice-Chair (Ms. Lisa MacLeod):** Yes, we had that conversation last week.

**Mr. Gilles Bisson:** We had it last week. I'm so sorry.

**The Vice-Chair (Ms. Lisa MacLeod):** These draft options have been amended as a result of our discussion.

**Mr. Gilles Bisson:** Okay. Then I know what I'm going to talk about.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay. Well, I guess we could have the Clerk, if you'd like, recommend or read into the record of the committee our recommendations, or would you prefer if I did that?

*Interjection.*

**The Vice-Chair (Ms. Lisa MacLeod):** Oh, these are the same documents. Okay? Any comments? Just for the record, for the members with a disability:

"The committee therefore recommends that the following standing order be added:

"The Speaker may alter the application of any standing order or practice of the assembly in order to permit the full participation in the proceedings of the assembly of any member with a disability."

Is everybody happy with that? Okay.

The next page is opposition days:

"The committee therefore recommends the following amendment to standing order 43:

"43(d) After two hours of debate on an opposition day held on a Monday, or at 5:50 p.m. on an opposition day held on a Tuesday or Wednesday, the mover of the motion or any member of his or her party may reply for up to five minutes, which reply shall conclude the debate. The Speaker shall thereupon put the question, and if a recorded vote is requested, the division bells shall be limited to five minutes. Such vote may be deferred pursuant to standing order 28(h)."

*Interjection.*

**The Vice-Chair (Ms. Lisa MacLeod):** Last week, we had discussed moving that to 4:45 for a 10-minute bell.

**The Clerk of the Assembly (Ms. Deborah Deller):** To 5:45.

**The Vice-Chair (Ms. Lisa MacLeod):** To 5:45, and a 10-minute bell.

Mr. Bisson, you had a comment?

**Mr. Gilles Bisson:** Just one second. So, under the opposition day, should the deferral only be allowed by the mover, by the party that moves? I just want to hear your thoughts on that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Currently—sorry, Madam Chair.

**Mr. Gilles Bisson:** I understand. Currently, you can defer anything.

**The Clerk of the Assembly (Ms. Deborah Deller):** Currently, wherever there's a deferral, it's allowed by the whip of any of the three parties, and that's in recognition of the fact that if any of the whips, for whatever reason, don't have all of their members there, then it gives them the option to defer the vote so that they will have members there.

I guess in our minds, we were just thinking that it made sense to apply that same practice to a deferral—the same way we would defer any other vote on any other matter, that it would be up to any whip from any party.

**Mr. Gilles Bisson:** Can I ask if it's possible we just can, on that one point, hold it back, because we're having a bit of an internal discussion about the deferral and I haven't had a chance to talk to my colleagues? Can we just put that one off till next week or the week after?

**The Vice-Chair (Ms. Lisa MacLeod):** Are you guys fine with that, Mr. Clark?

**Mr. Steve Clark:** That's fine.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay, sure. We'll defer that.

We'll move now to tab 28. Tab 28 is private members' public business. There are a number of options here, so I'll ask the Clerk to walk us through this part of the presentation.

**The Clerk of the Assembly (Ms. Deborah Deller):** This was really drawn up based on the discussions that the committee had a few weeks ago around private members' public business. What it basically does is put some verbiage around what you did discuss, and you're going to have to kind of help us here. What you'll notice is that we've set out a number of options for you, which you can take a look at, change or dismiss. We tried to gather all of the comments that you'd made in that committee meeting and put them down in some format that was easy to go through.

Our perception from those discussions was that there really isn't much of an issue with the front end of the private members' public business process, meaning that we didn't think that anybody expressed any concerns with the balloting process or any concerns with the ability of members to trade places in that ballot. We didn't hear any concerns except for the issues around the money bill and concern around the introduction part of private members' public business. The ability for members to introduce bills or to provide notice of a resolution: Everybody seemed to be okay with those practices. In addition, we really didn't hear any comments that expressed any concern about private members' resolutions in the House. In other words, if a private member introduces a resolution as opposed to a bill, again, we didn't hear really very many concerns about that process as it currently stands.

That took us down to the issue that seemed of most concern, which was the post-second-reading segment for private members' legislation. A bill gets essentially an hour's worth of debate on Thursday afternoon. Assuming it is passed, it gets second reading. Most typically now, it gets referred out to a standing committee of the sponsor's choosing. That seemed to be where there was a higher level of discussion, and that focused around the logjam that occurs now with private members' legislation sitting in committee and then committees not actually ever getting to consideration of that private members' business.

There are some things the committee may want to consider in terms of setting up a process whereby private members' public bills can actually be considered in committee. We have presented a number of options, and again, this is really just our musing. You may have better

ideas. One was that if a large number of MPPs sign on to a bill, it must, within a certain period of time, be considered by a committee. You may want to establish either a percentage threshold or a numerical threshold. There obviously should be representation from all parties in the House that make up that threshold, and that some kind of a register be kept, probably in the Clerk's office, that members can sign on to and that indicates when the threshold has been met.

There's also some discussion here about a fail-safe mechanism that, in the event that the threshold is met and a committee does not consider it within a certain time, it automatically be referred back to the House without amendment in a required time. Then there was some discussion about what that threshold of support might be: It could be a two-thirds majority, 60%; it could be 50% plus one. That would be something for the committee to determine.

**1340**

Another option is, instead of a sign-on process, committee might consider some sort of a panel of members that decides which bills should move forward and which bills, ultimately, might not. That's similar to what is done in some other jurisdictions with committees that will take a look at private members' bills and determine—in the case of Ottawa, for example—what might be votable and what might not be votable.

The other option here really has to do with sort of post-committee consideration, and that is that where bills appear at third reading on the order paper, the committee might consider putting a provision in the standing orders that, in that case, allows those bills to be retained on the order paper even past prorogation. What that's intending to avoid is, in the situation where a private member's bill has gone through the private members' public business process—it's gone through second reading, it's gone through the committee process and it now sits on the order paper awaiting third reading—it can continue at the third reading stage even after the House prorogues, so that when the House resumes the next session, the whole process doesn't have to be started all over again and we're not then considering the same bill in committee multiple times. There are examples that you can look at of bills, within the term of a Parliament, that have come before the House again and again, one session to the next, because they've died on the order paper.

You could consider that same provision for bills that are referred to committee, where if a bill has met whatever threshold you determine and it's going to be considered by committee, you could also consider that it be revived at the same stage on the order paper as it was at prorogation, so that it doesn't die.

The other option that has been set out here is the possibility of creating a private members' legislation committee—you don't have to call it that—some kind of a committee that is dedicated solely to consideration of private members' bills. The advantage to that, I guess, is that then the existing committees don't have to interrupt consideration of government legislation or other matters

that may have been referred to them by the House in order to consider private members' legislation. So if the sole purpose of that committee is to consider private members' bills, then there's a greater likelihood that more private members' bills will actually get considered in committee.

If you explore that option further, you may find that there's really no necessity to have some other provision—in other words, a panel of members or a threshold—for consideration of private members' business because you've got a committee that's only doing that anyway, and the committee itself will determine which private members' bills it's going to consider.

The other thing that got a lot of conversation in this committee was the whole issue of so-called proclamation legislation, which are those bills that proclaim certain days or weeks. The committee may want to consider an accelerated path—and if that's something the committee wants to consider, we can flesh out a little more for you what that path might look like—but some kind of an accelerated path for those proclamation bills to sort of fast-track them through the system.

Alternatively, the committee could also consider a consistent manner by which days are proclaimed, as an example. In other words, currently we have days proclaimed by legislation or by motion in the House. So the committee may enshrine in the standing orders some mechanism where, if you're going to proclaim a day, this is how you do it, and it might be by motion as opposed to by legislation.

There was some discussion about the number of items of private members' business that are discussed every week. You might want to consider that a little further. Currently we do three items of private members' business on Thursday afternoon. Sometimes we go on to government business later in the day, sometimes not. There are some statistics here about when another matter of business has been called for consideration.

If you wanted to increase the number of private members' ballot items, one option might be to add a fourth one on Thursday. Presumably, though, at some point you'll get to a discussion about the daily schedule of the House, so you might want to kind of set this aside until you have that discussion.

**The Vice-Chair (Ms. Lisa MacLeod):** Thank you very much, Clerk. We do have a speakers list that's developed. I'll go with Mr. Clark, Mr. Balkissoon, then Mr. Bisson.

**Mr. Steve Clark:** Thank you, Chair, and thank you for the report. I agree 100% that we should have a document looking at options to deal with more proclamation-type pieces, whether it be by resolution or legislation. I really believe that that should take place.

I also believe that we should have the discussion on the legislative timetable before we make the final decisions on this. Further, I think this document, with the multiple options, is exactly the piece—we mentioned it at a previous committee meeting—where we would take some ideas back to our individual caucuses to bounce

them off, and I think this is exactly the type of recommendation that I would like to have a discussion on with the members of our party's group. This is exactly what I hoped would be tabled in front of the committee. So I look forward to that other piece, if members of the committee concur with that. I do think the proclamation piece should accompany this and, as well, some consensus or some options on the legislative timetable.

**The Vice-Chair (Ms. Lisa MacLeod):** Thank you very much, Mr. Clark. Mr. Balkissoon?

**Mr. Bas Balkissoon:** I tend to agree with Mr. Clark 100%, but I had one question of the Clerk. Under the current system of our standing committees, is there any tradition or is it written in any place that, really, the standing committees' main order of business is government business? Because to me, if we start adding on more private members' bills and we start doing other things, how does a committee determine priority?

**The Clerk of the Assembly (Ms. Deborah Deller):** In certain instances, there are things in the standing orders that say government—for example, the 126 matter. Government legislation takes priority over anything that might be considered under 126. Certainly, in any of these scenarios, you can write something into the rules that says that government legislation takes priority, so that's something that you'd want to consider.

**Mr. Bas Balkissoon:** But if you state that, does that make it automatically understood that the government House leader does have a say in the committees' business? Because I think we've had some discussion—a few people are interested in seeing the Chairs have total control of committee business, so that they call meetings at the call of the Chair, they set the agenda at the call of the Chair. I'm thinking, well, if the government has the ultimate say to govern, you can't have both.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. What I would say is currently there is no rule that says that government business takes priority over private members' business in committee, except for 126 matters.

**Mr. Bas Balkissoon:** Okay.

**The Clerk of the Assembly (Ms. Deborah Deller):** And that has not hindered the government from having its business—

**Mr. Bas Balkissoon:** But today the House leaders get together and actually discuss committee business or what goes to committee first or second or whatever, as I understand it, unless I'm wrong. I don't sit in the House leaders' meetings.

**The Clerk of the Assembly (Ms. Deborah Deller):** Absent the direction from the House, the committee itself decides how it's going to order its business. So typically, the majority on a committee will decide which issue it's going to consider.

**Mr. Bas Balkissoon:** Okay.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Bisson?

**Mr. Gilles Bisson:** C'est une question très intéressante parce que, franchement, les comités sont capables de faire beaucoup selon leur propre autorité, mais c'est les leaders parlementaires, comme on parlait au début, qui,

des fois—comment dire?—nous nient l'habileté d'être capables de faire ce que les députés peuvent faire sur un comité. Mais c'est toute une autre question. Je ne veux rien que donner des commentaires sur les recommandations qui ont été mises en place—

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just—sorry. They're not really recommendations.

1350

**Mr. Gilles Bisson:** No, they're ideas.

**The Clerk of the Assembly (Ms. Deborah Deller):** They're kind of options.

**Mr. Gilles Bisson:** OK. Ce n'est pas une méchante idée. C'est des idées. Je veux seulement commenter sur une couple.

Premièrement, avoir un seul comité qui serait capable de prendre les projets de loi privés, peut-être c'est quelque chose qu'on peut regarder. Peut-être une autre idée, et on en a parlé au dîner, c'est de regarder s'il y a un processus que—présentement, on a neuf comités à l'Assemblée. Je dirais que les estimés et les comptes publiques, c'est probablement pas une bonne place pour envoyer un projet de loi de membre privé; les autres, c'est questionable. Mais supposons que, pour les sept autres, on dit, «OK, on a le droit de référer des projets de loi privés à tous ces comités, mais il y a un pourcentage du temps dans chaque comité qui va être utilisé pour avoir des audiences publiques ou du temps au comité sur un projet de loi privé. » On dit 10 %, 20 %, quelque chose comme ça.

Possiblement, ce n'est pas un problème, mais ma crainte c'est que si on a seulement un comité, ça peut devenir très difficile d'avoir le temps nécessaire pour les députés d'avoir une chance d'aller devant un comité. Donc, oui, ça va augmenter l'habileté dans la situation d'un gouvernement majoritaire, parce qu'au moins tu es garanti que tu vas avoir un comité pour ceux qui sont acceptés pour aller là. Mais ça va être difficile de les faire avancer—première affaire. Comment le faire, je ne suis pas exactement sûr. La seule suggestion que je fais : probablement un pourcentage de temps sur chaque comité, mais je ne suis pas fixé sur l'idée.

L'autre affaire : l'idée d'avoir une liste qu'on signe avec le greffier ou quelqu'un pour déterminer, une fois que tu arrives à un certain pourcentage, que tu peux avancer au comité. Je peux dire que c'est un peu la même affaire que ce qu'on appelle—those cosponsored bills that Lisa and I love so much. Ça va devenir, ça va être seulement les projets de loi les moins controversés qui vont avancer dans cette manière-là. C'est ma crainte. Seulement pensez-y. Avoir un panel pour être capable de décider ce qui va aller au comité, je pense que ce n'est pas une méchante idée. C'est fait dans d'autres jurisdictions. Je pense qu'on a besoin de regarder de manière très approfondie si on veut donner cette habileté seulement à des présidents de comité ou si c'est mieux d'avoir un comité représenté de chaque parti, où tu as une habileté de décider qui va aller au comité.

L'autre point que je ferais c'est que, probablement, ce qu'on peut avoir—parce qu'il y a déjà la précédence dans

nos règles. Tu peux avoir un tel comité, mais un pourcentage est donné à chaque caucus pour les projets de loi qu'ils veulent mettre en avant. En d'autres mots, si le gouvernement fait 60 % de la Chambre, que 60 % des projets de loi qui sont alloués à aller au comité viennent du gouvernement. Si l'opposition officielle, on va dire, est à 22 %, eux-autres ont 22 %, et le troisième parti, whatever the percentage is. Donc, peut-être on peut regarder ce modèle-là.

Le dernier point que je veux faire : blocking votes on items on PMBs. Please tell me why we would even want to consider that, Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's a resurrection of an old procedure that we had—

**Mr. Gilles Bisson:** Yeah, I know. I thought we got rid of it for good reason.

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, the reason it's here is because it was a manner by which the House determined whether something would end up being voted on or not. So 20 members could stand up in the House and prevent a vote on something, which was really the expression of the House that there was no interest in moving this any farther along.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Bisson?

**Mr. Gilles Bisson:** Just on that point, isn't that then a danger that the government could use its majority to continually block private members' bills?

**The Clerk of the Assembly (Ms. Deborah Deller):** It could, yes.

**Mr. Gilles Bisson:** Yeah. That was the alarm bell that went off in my head. Okay.

**The Vice-Chair (Ms. Lisa MacLeod):** Might I suggest—I think there's a bit of a consensus here to refer this to our respective caucuses and to come back and make recommendations.

Any further comments on this before I move on? Ms. Cansfield.

**Mrs. Donna H. Cansfield:** I just wanted to have a better understanding of your rationale on the panel idea. Earlier in our discussion, a couple of weeks ago, maybe longer, we spoke about the need for committee members to have expertise in particular fields, i.e. social policy, whatever. How does one assume that kind of expertise on private members' bills, which have a whole host of variety of different subjects, if you like, that they come from? One is kind of juxtaposed to the other's position. That was one I'd like to have an understanding of.

The other is, you did indicate that you didn't really feel that private members' business could interfere with government business, and you haven't seen any evidence of that. But I think actually we have seen evidence of that, where private members' bills have been given more public hearing days versus government-moved bills, so there are instances where in fact that has occurred. So what would you put in place, if in fact part of the idea is to move government legislation forward as a priority, if it's not an identified priority? Those are those two areas.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'll deal with that last point first. I think where you see

private members' legislation being given more hearing time than government legislation, it's typically because the government legislation has been time-allocated, so in fact the House has imposed a restriction on the amount of time that's going to be considered—

**Mrs. Donna H. Cansfield:** That isn't the case now. I think you could use the pit bulls as an example. It has had three days of hearings, I think.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, which?

**Mrs. Donna H. Cansfield:** The pit bull bill.

**The Clerk of the Assembly (Ms. Deborah Deller):** Right, but you can't time-allocate a private member's bill. What I'm saying is, those hearings may be longer because they're not time-allocated.

**Mrs. Donna H. Cansfield:** Okay. You're saying if it's time-allocated, but—

**The Clerk of the Assembly (Ms. Deborah Deller):** The government bills—I mean, what we're most used to seeing, not in this Parliament but in recent Parliaments, are government bills that have been time-allocated and given, you're right, sometimes a very short period of time for consideration in committee.

**Mrs. Donna H. Cansfield:** That's an assumption of a particular or previous practice, but do you want to build that practice in? Anyway—and then the other was the issue around the expertise and the rationale, when on one side you said how important it was to have people who knew and understand and consistency.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, and you're right. I think, in my opinion, absolutely committees would probably operate better if members were allowed to develop an expertise in a certain policy field area, like social policy or justice policy. In that instance, you're absolutely right. The ideal would be to continue to send private members' bills out to the committee that is most appropriate to deal with them. The idea of having a panel—there are two options written in here—is not so much for those members to consider the bills. The panel idea is a group of members who would determine which bills should be considered by a committee, so it may be a health-related bill in social policy, but for that committee to decide which bills move along in the system.

The other option, though, which is probably more relative to what you're talking about here, is having a committee dedicated to private members' business, and you're absolutely right: There are so many different issues related to private members' public legislation that it would be impossible for that committee to develop an expertise. It's an option that's presented by way of giving you an option that would provide for private members' bills to be considered in committee without actually disrupting the work that other committees are doing largely with respect to government legislation.

**Mrs. Donna H. Cansfield:** So if I may, as a follow-up, then: You're suggesting sort of a vetting-process-type committee. Then two questions would fall out of that.

One is, are you usurping the House leader? And then second would be—

**Mr. Bas Balkissoon:** How do you balance the membership?

**Mrs. Donna H. Cansfield:** Yes. Well, not even balancing the membership; how you develop criteria that in fact would play out in terms of the fairness and equity and transparency and accountability provisions. I might think my bill is really important and you think it's a dog's breakfast.

**The Clerk of the Assembly (Ms. Deborah Deller):** You'd certainly have to have some guidelines or criteria. This is loosely developed on the House of Commons model, where there is a decision made about which bills are votable or non-votable. Help me out here, Peter: It's done by a liaison committee? Is that what it's called?

**Mr. Peter Sibenik:** It's done by the subcommittee of the procedure and House affairs committee, the counterpart to our committee here, the Legislative Assembly committee, and they have a list of five or six criteria that they apply with respect to every bill or motion. It's the application of these criteria that will determine whether it is votable, and therefore gets more debate time, or non-votable, in which case it will only get an hour's worth of debate during private members' time.

1400

**Mrs. Donna H. Cansfield:** Is that made up of someone like our House leaders or—

**The Clerk of the Assembly (Ms. Deborah Deller):** No. If you wanted to have the direct comparison, it would be this committee's subcommittee.

**Mr. Peter Sibenik:** That's correct, and the criteria are listed in tab 2, at the bottom of page 1 of that particular paper.

**Mrs. Donna H. Cansfield:** Okay.

**Mr. Peter Sibenik:** The criteria that they apply: Is the matter within federal jurisdiction? Does the matter offend a liberty interest, the Charter of Rights and Freedoms? Has the matter been already discussed by the House? Does it anticipate a matter that's already on the Orders and Notices paper? So it's those kinds of criteria that this subcommittee will apply in its decision-making.

**Mrs. Donna H. Cansfield:** So a whole host of things could not go through if it's already on the government's agenda, is what you're suggesting?

**Mr. Peter Sibenik:** I'm sorry, I didn't quite hear that.

**Mrs. Donna H. Cansfield:** You said if it's on the government order paper?

**The Clerk of the Assembly (Ms. Deborah Deller):** On the order paper of the House. If it anticipates a matter that's on the order paper, that's—

**Mr. Peter Sibenik:** That's correct. So that is in footnote 3 on page 1 in tab 2. It's a complete list of the criteria.

**Mrs. Donna H. Cansfield:** Thank you.

**The Vice-Chair (Ms. Lisa MacLeod):** Any further comments on this, or would you like to take the time to go back to your respective caucuses and come back? Okay. So I think—

**Mr. Bas Balkissoon:** Absolutely.

**Mr. Steve Clark:** Chair, may I just ask one other question?

**The Vice-Chair (Ms. Lisa MacLeod):** Sure, one quick question.

**Mr. Steve Clark:** So with that report on the proclamations, would that be available to us at the next meeting or during break week?

**The Clerk of the Assembly (Ms. Deborah Deller):** Sure. Yes, we can do it fairly quickly.

**Mr. Bas Balkissoon:** Can the Clerk give us something for the proclamation to adopt—

**Mr. Steve Clark:** Because I think we need to include that as well.

**The Vice-Chair (Ms. Lisa MacLeod):** That's great. You guys are of the same mind, so it looks like we're going to have a consensus-filled process.

**Mr. Bas Balkissoon:** I told you I agreed with him 100%.

**Mr. Steve Clark:** I don't know that we are.

**The Vice-Chair (Ms. Lisa MacLeod):** That's fantastic.

Thanks very much, Clerk, for those options as well, and Peter for helping guide us through this.

Our next tab is under tab 29, sitting hours in the Canadian House of Commons and the provincial Legislatures. Of course, we're well acquainted with when and where we sit, but now we have an opportunity to find out how wonderful everyone else's lives are as well. So, Clerk, would you like to walk us through each one of these pages?

**The Clerk of the Assembly (Ms. Deborah Deller):** Probably the more interesting of the two pages—maybe not—is the very first page, which actually lists all of the jurisdictions and then identifies the number of weeks, hours, days that each jurisdiction meets. These are approximate. They're pretty close, but they're approximate, because there are a number of, as you know, variables in any House's schedule.

What you notice from that little chart is that Ontario, Quebec and the House of Commons in Ottawa are fairly close in terms of the number of weeks per year that we meet. Ontario exceeds Quebec fairly significantly in the number of hours that we meet per year. Much depends on the size of the Legislature. We had this discussion, I think last week, on the size of the Legislature and the number of members. Some jurisdictions don't have as robust a committee system as we do, so there may or may not be committees. Some jurisdictions don't have committees that meet when the House is actually in session. All of that impacts on the amount of House time that there is.

In terms of the rest of the document, what it does is show you exactly what each House does with the time allocated to it. I think what you notice there is that for some jurisdictions, they don't have exactly the same schedule each sitting day. Just as an example, the House of Commons, if you look—well, first of all, the House of

Commons sits on Friday morning, which I don't recommend.

*Laughter.*

**Mr. Bas Balkissoon:** You're not supposed to have any biases at all. I think a little bias of the Clerk came out there.

**The Vice-Chair (Ms. Lisa MacLeod):** Anyway, we'll take the recommendation from the Clerk. I think that there's unanimous consent for that.

**The Clerk of the Assembly (Ms. Deborah Deller):** However, what you do notice is that there's a time for private members' business that occurs three times a week—not three times a week; every day of the week, but at different times. So Mondays from 11 to 11:15; is that right, Peter?

**Mr. Peter Sibenik:** On Mondays, it would be in the morning.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think that's for voting.

**Mr. Peter Sibenik:** My understanding is it's an hour each sitting day, but I'll check into that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. But you can see that Monday morning, it starts off with private members' business; Tuesday, Wednesday and Thursday, the day ends with private members' public business; and then the same thing with Friday. Question period is consistent from Monday to Thursday, but then Friday there's a different time for question period, and that's because of the half-day sitting period.

They're fairly self-explanatory in terms of how the daily schedule is laid out. The only thing I would say is that what you'll notice for a number of them—if you take Quebec, for example, you'll notice that routine proceedings happens pretty much at a different time at every different day of the week. What would be happening in the times when the House is not sitting is likely committees meeting.

**The Vice-Chair (Ms. Lisa MacLeod):** Thanks very much, Clerk. I really appreciate this.

Ladies and gentlemen, do you want to take a brief recess to review all of these or shall we just start talking about what we would like to do? I'm at the pleasure of the group right here.

**Mr. Bas Balkissoon:** Personally, since we changed that we don't meet evenings, I'm happy with the schedule we have. So what are your concerns, so we can take it back to our caucus?

**The Vice-Chair (Ms. Lisa MacLeod):** It would be helpful if Mr. Bisson were here. I know that there are a few things that—

**Mr. Bas Balkissoon:** We've asked him several times and he won't share it. I don't know why.

**The Vice-Chair (Ms. Lisa MacLeod):** Right. But he's usually a sharing type of guy.

So you're happy with the way things are. I know that there's a view that routine proceedings could be brought back together. That's certainly a view that I've heard predominantly—

**Mr. Bas Balkissoon:** But it's how you fit it back into the schedule. So if somebody has an idea, I'd like to look at it. I think my caucus and House leader would like to look at it. I sat on the committee when we created the schedule, and it wasn't easy because you couldn't make it work.

**The Vice-Chair (Ms. Lisa MacLeod):** Are there any other comments to this? Otherwise, I think it might be best if we went to our respective caucuses and reported back after the break.

**Mr. Bas Balkissoon:** I think you have to throw on the floor: What are your concerns and how do you suggest to solve it? Otherwise, we'll go nowhere with scheduling.

**Mr. Steve Clark:** Chair, if I might: I agree with that proposal to take it back to the caucuses, because of the comments that Mr. Balkissoon talked about, that it is so hard to change it, and to have a concept to say, "Let's move question period back to the time it used to be."

There are other ramifications, based on some of the discussions on private members' business: whether we want to separate that, whether we want to have it on multiple days, try to change the way we start Monday, or respect some of the comments that I think I heard regarding members from the north who may want to leave Thursdays—

**Mr. Bas Balkissoon:** I'll share with you why routine proceedings and question period are separated too. If you look at it carefully, as a minister, it gives you that half a day, every day, to go and do the primary responsibility you have here, which is doing your ministerial duties, rather than being tied up in the House for question period and routine proceedings together, which it used to be. We changed it because we heard from everybody last time. We looked for a schedule, and that's what we came up with.

**Mr. Steve Clark:** But I think the schedules in other jurisdictions are helpful in understanding how some of the other provinces deal with it. So if it is helpful for the group, for us to go back and take this back to the caucuses, then I'm certainly in favour of that.

**The Vice-Chair (Ms. Lisa MacLeod):** One thing I might suggest, if we could have the various drafts from the Clerk or from legislative research, wherever it's best directed, of what the previous schedule was before we changed—

**Mr. Bas Balkissoon:** We were up to 9 o'clock at night, I think it was, or 9:30. Was it 9:30 or 9?

**The Vice-Chair (Ms. Lisa MacLeod):** We did. We stayed late. I remember those nights.

1410

**Mr. Bas Balkissoon:** And we started at 1 o'clock in the afternoon; we didn't start at 9.

**The Vice-Chair (Ms. Lisa MacLeod):** Yes. So if we could perhaps have the old schedule and then some of the options that were presented to this committee a few years ago when Mr. Bryant was the government House leader, those might be some good options for us to bring back. There won't be any caucuses next Tuesday, so for the following week, if everyone could endeavour.

In the meantime, are there any concerns with the way the House is currently sitting? I know from the Conservative caucus, in which I sit, question period is an issue, as well as the Monday morning travel. Mr. Bisson, on behalf of the NDP, do you have any suggestions or concerns at this point in time?

**Mr. Gilles Bisson:** No, I just think it's all interesting information.

*Interjection.*

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Schein is upset. I'm sorry.

**Mr. Gilles Bisson:** We'll take it back to our caucus. We're fine.

The Clerk was going to say something. I'm just interested in what you were going to say.

**The Clerk of the Assembly (Ms. Deborah Deller):** I was just going to make a comment about the night sittings. The night sittings weren't embedded in the House. They were by motion, so that the—

**Mr. Bas Balkissoon:** On the previous schedule?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**Mr. Bas Balkissoon:** I know the first two years I was here, it went to 9 o'clock almost every night.

**The Vice-Chair (Ms. Lisa MacLeod):** I know, but it was by motion, Bas.

**The Clerk of the Assembly (Ms. Deborah Deller):** True, but it was by motion.

**Mr. Gilles Bisson:** Can I just have a question to the Clerk? The House of Commons schedule is interesting in the sense that they split their private members' hours across—the difference is they sit on Friday, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**The Vice-Chair (Ms. Lisa MacLeod):** If you'll look at page 2, it shows that they do sit about nine hours more a week than we do.

**Mr. Gilles Bisson:** Yeah. That's why I was saying they've got Fridays and they sit till 6:30.

**The Vice-Chair (Ms. Lisa MacLeod):** Yes.

**Mr. Gilles Bisson:** I'm just curious how members feel about splitting private members' over different—rather than having three back to back, maybe having them in the afternoon or the morning on three days or whatever. Are there any thoughts from the government on that one? It's curious—

**Mr. Bas Balkissoon:** Unless we see a schedule, Gilles, it's really hard to pick out what the ramifications are.

**Mr. Gilles Bisson:** No, no, I understand that, but just as a concept. I'm just wondering.

**Mrs. Donna H. Cansfield:** If I may, part of the challenge—or not challenge. How many members are in the House of Commons, 304?

**Mr. Gilles Bisson:** Yes.

**Mrs. Donna H. Cansfield:** And so you can spread a lot of people, because when you look—if you watch the channel, every once in a while, it's empty, so that's the other part of this. They've taken 304 people and spread it

across the days. That's a lot of folks you can rearrange and schedule. Obviously they're not all sitting there every day—

**Mr. Gilles Bisson:** No, they're in committee or whatever.

**Mrs. Donna H. Cansfield:** —because it's empty. That would be the only consideration: How do you manage the people? It's a time-scheduling thing for both people who live outside of where the House resides and even for people here, getting down, getting back and forth.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Bisson?

**Mr. Gilles Bisson:** Just a couple of things for people to think about as you go back to your caucuses. One is, I'm not wedded one way or another. If you spread private members' one way or another, if it's a block of three or it's three separate days—if that can work in some way, to me it's not a big deal. I think the bigger issue is trying to rejoin question period with statements and all that stuff, routine proceedings.

**Mr. Bas Balkissoon:** But Donna just made a point: Joining it for the purpose that, what, the House would be full? Because most of the ministers used to get up and leave anyway.

**Mr. Gilles Bisson:** It was a heck of a lot—no, no. It was—

**Mr. Bas Balkissoon:** As soon as you got into routine proceedings, they were gone.

**Mrs. Donna H. Cansfield:** It didn't work the other way any more than it works this way, right, in terms of keeping them there.

**Mr. Gilles Bisson:** I disagree. I think you had—it was rather embarrassing. I think when we first went to this system, and still, we'll see a lot of times at routine proceedings the government will be doing a statement on something important and there's not a lot of people there sometimes. I think the fact that members come in for question period is the time when everybody is there. For some reason, we all love question period and we're all there, by and large. It seems to me rejoining those things is logical; it makes some sense. I just ask people not to decide today, but it's something they should think about.

Just for the record, anything that has to do with sitting at night we should stay away from with a 10-foot pole. I think some of the nastier, stupider things that have happened around here are a result of sitting at night. I would just say—and I think it was the government members that made the point, or maybe it was Mrs. MacLeod; I can't remember—we somewhat accommodate ourselves now by allowing the House to only start at question period at 11 o'clock on Monday, which allows out-of-town members to get in, which I think is a good idea. The only problem I have with private members' is essentially I'm here every Thursday, which means to say I don't go back until Friday because there's generally a private member's bill that I'm interested in that I want to be here for, either to vote or participate in debate, and is that the best time? Because, on the flipside, most of us who have to travel out—well, maybe not you because you have flights every

hour to Ottawa, but all of us in northern Ontario, if you don't get on the 5 o'clock flight, it's 11:30 at night or the next morning. So if there's some way of accommodating that reality, that would be quite helpful.

**Mrs. Laura Albanese:** But wasn't Thursday afternoon chosen or favoured purposely for that? So the majority of the members who come from out of town and come from the north would leave after question period, and in the afternoon, I would say, it's mostly GTA members. Unless a member has a private member's bill or really would like to speak to a specific private member's bill that afternoon, they all go home and we're sort of here to fill in, really.

**Mr. Gilles Bisson:** Well, it might be the reality for some. I'm not saying that's not the case for some members. I'm just saying for myself and most of my northern colleagues, we end up being here on Thursdays because there's always something of interest. Last week, it was ESA. The week before that, it was something else, and even in the majority government it was the same thing.

**Mr. Bas Balkissoon:** Is it because we're a minority government?

**Mr. Gilles Bisson:** I'm saying, even a majority government, it was the same.

**Mrs. Donna H. Cansfield:** If I may?

**The Vice-Chair (Ms. Lisa MacLeod):** Just one second. We have a speakers list. We do have Ms. Albanese, we do have Mr. Clark and then Ms. Cansfield.

**Mrs. Laura Albanese:** I think I made my point, and that was the fact that private members' business, as far as I knew, really helped the members that come from out of town and the northern members.

**The Vice-Chair (Ms. Lisa MacLeod):** Perhaps with receiving the timetable from the previous Parliament we could also perhaps get the rationale of why the previous committee and the previous government House leader decided to move it.

**Mr. Bas Balkissoon:** It wasn't easy.

**The Vice-Chair (Ms. Lisa MacLeod):** Yeah, I know it wasn't an easy process.

**Mr. Bas Balkissoon:** It was a little sticky.

**The Vice-Chair (Ms. Lisa MacLeod):** Mr. Clark, then Ms. Cansfield.

**Mr. Steve Clark:** Just from a concept, to Mr. Bisson, I liked the concept, if it's able to be scheduled, of spreading out—it may not be three days; maybe it's two PMBs on two days. But I do like that concept of spreading them out over a couple of days if it assists with some of the other scheduling, like changing the order—

**Mr. Bas Balkissoon:** But if you look at it, though, you'll have to schedule a regular debate on the Thursday afternoon, which means to say more members will be forced to stay because of expertise.

**Mr. Steve Clark:** Again, I think from a concept, it would be great. When we execute to get all of the other little intricate things that we want, it may not be able to be accomplished, but I wanted to give him my feedback.

**Interjection:** Let's see a bunch of drafts.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay. Ms. Cansfield and then Mr. Bisson.

**Mrs. Donna H. Cansfield:** Thank you. I think now that we have a minority government, we have far more people in the House. For nine years I have sat every Thursday, and I can assure you it's been more than empty many times with 11 people in there for quorum. So the same folks vote on the private members' bills every Thursday, and they typically are Toronto and GTA members, or close by, so that the others can go home to the north.

The challenge then becomes the same people are voting all the time on the private members' bills and that's an onus that maybe isn't fairly shared. So there should be a rationale, or some other opportunity, for broader participation. I think the only reason we have it now, quite frankly, is because we have a minority and every vote counts, so folks are being asked to hang around for that.

But if a member has a druthers—and I understand that getting home is a priority after you've been away from your family for a number of days. For me, I live here, so I don't mind helping out the other folks, but the downside risk for me is that I'm voting on every private member's bill that comes forward over and over and over. So there has to be some way to either share it or look at it. I agree with you. I can speak for myself, obviously, but there are a few others who have been in the same boat who share the same thing and would like to see broader participation.

**The Vice-Chair (Ms. Lisa MacLeod):** Thank you very much for your comments, Ms. Cansfield. Mr. Bisson.

**Mr. Gilles Bisson:** Listen, it was the same in the majority government as I found myself—back in the day when we had private members' bills in the morning and we had orders of the day in the afternoon, the order of the day, as you know, might be a bill that's been in the House three or four different debating days, so I would arrange my schedule not to speak on a Thursday but to speak on the Wednesday or the Tuesday or whatever it might be, so that you actually can get back.

For us that live out of town, most of your AGMs and stuff are on Thursday nights, so you're trying to get back on the 5 o'clock flight—

*Interjection.*

**Mr. Gilles Bisson:** No, I'm just saying, you're trying to get back on the 5 o'clock flight so you can make it to the CNIB AGM on Thursday night.

What I've found since we moved private members' bills to the afternoon—and this is my experience—I've been here almost every Thursday, and not just in a minority Parliament, but in the majority Parliament, because now we have three bills, and it's more likely that there's a bill that comes up that I want to be there for to be recorded on the vote. It's been the same with most of our northern members. I don't know about Ottawa, but that's where we find ourselves.

I'm just saying, the beauty of having orders of the day at the end on Thursday is that members can better

arrange their schedules to say, "This is really important to me. Unless it's a vote, I'm going to speak on Tuesday, and I'll be out of here Thursday afternoon, thank you very much, Whip." And that's the point I'm making.

*Interjection.*

**The Vice-Chair (Ms. Lisa MacLeod):** Yes. I just want to comment briefly with Mr. Bisson, because we've found now in the minority Parliament, and I can speak as an opposition member who's out of town as well, that that day where a vote may be whipped and the travel changes occur, it does pose a bit of inconvenience for the caucus or myself or the group that we're going to be meeting with that evening. There is a financial cost as well to all of us changing our flights. Perhaps this is an issue of when votes occur as well, not just when private members' bills take place.

I guess we have agreed that there is consensus that we will take this back, shop it around our collective caucuses and bring something back for resolution, or at least as close to one as possible, the week we return.

This concludes what we've got on the agenda. Is there any further business or any other comments members would like to make at this point in time? Mr. Bisson.

**Mr. Gilles Bisson:** We had a very short conversation, and I don't want to get into the conversation again today, but if the committee can do some research and the clerks can do a bit of work in preparation for a session on the

delegated authorities of the Legislature, I think that's one of the key issues that we need to look at. I understand there are things that need to be left to regulation, and I'm not an anti-regulation kind of guy as far as that you shouldn't have some delegation, but the trend has been there's more and more of our legislation by which we're delegating authority to cabinet. I think that is a problematic thing that we need to look at.

**The Vice-Chair (Ms. Lisa MacLeod):** Any further comments, folks? Okay.

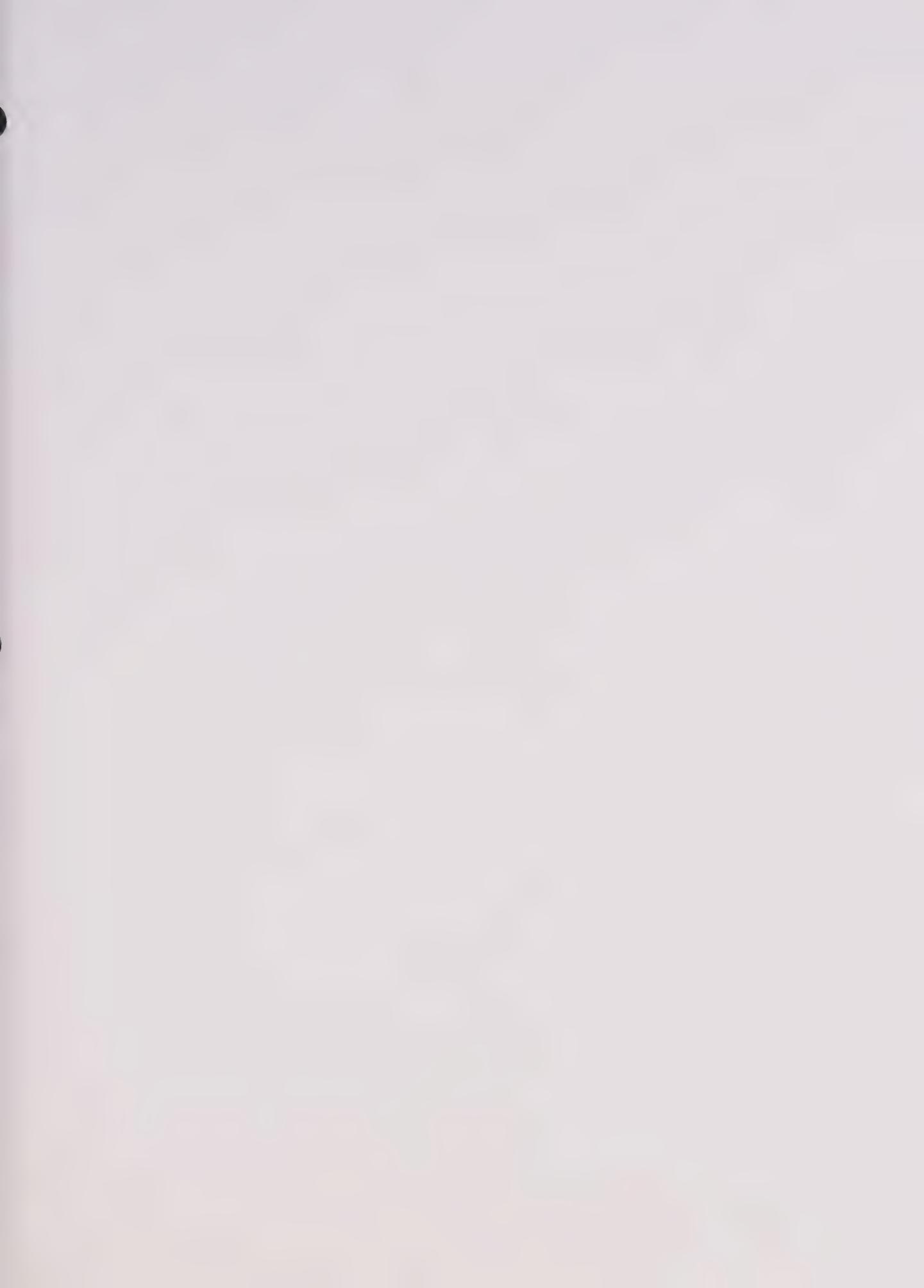
I would just remind you that the Canadian Study of Parliament Group is meeting next Wednesday, May 23, from 8:30 a.m. until 12 p.m. at the Government Conference Centre in the greatest city in the world, Ottawa. It will be a technical briefing on the legislative process and how it works. The cost for any attendees is \$200, which will be covered by the committee if you choose to attend. If you do not choose to attend, please note that the Clerk will be in attendance—

*Interjection: "The" Clerk.*

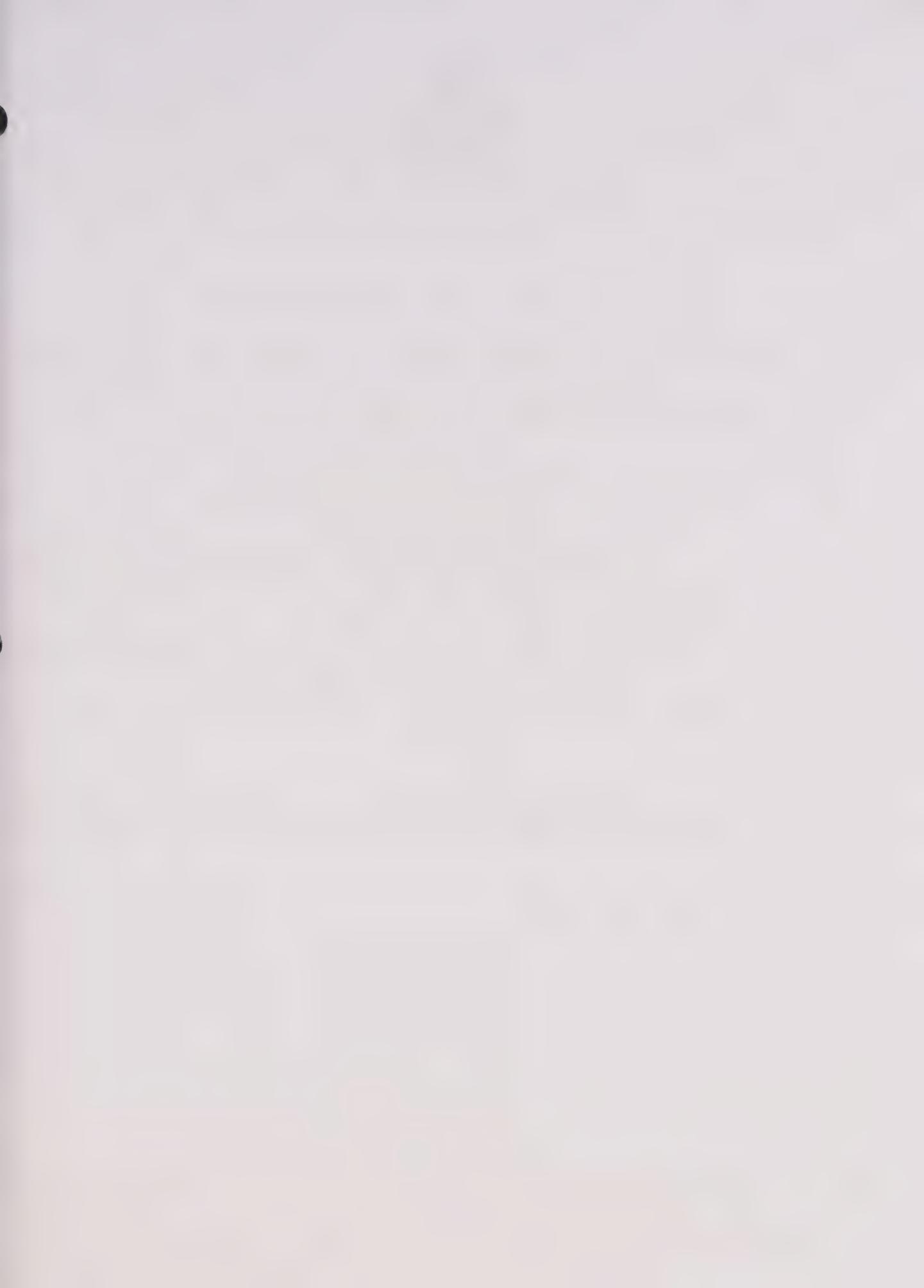
**The Vice-Chair (Ms. Lisa MacLeod):** —"The" Clerk—and will bring back any information that is circulated at that time.

Ladies and gentlemen, we are adjourned until the following Wednesday after break week, at the end of May.

*The committee adjourned at 1424.*







## **CONTENTS**

Wednesday 16 May 2012

Standing orders review .....	M-143
------------------------------	-------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Jeff Leal (Peterborough L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mr. Jonah Schein (Davenport ND)

#### **Also taking part / Autres participants et participantes**

Ms. Deborah Deller, Clerk of the Assembly

Mr. Todd Decker, Deputy Clerk of the Assembly

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-L20

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M-11



M-11

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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 30 May 2012

# Journal des débats (Hansard)

Mercredi 30 mai 2012

## Standing Committee on the Legislative Assembly

Standing orders review

## Comité permanent de l'Assemblée législative

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 30 May 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 30 mai 2012

*The committee met at 1302 in room 228.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** Good afternoon, everyone. We'll call the meeting to order. I hope you enjoyed your lunch, if you had part of it outside or downstairs.

**Mr. Jeff Leal:** Delicious.

**The Chair (Mr. Garfield Dunlop):** Yes, I had part of it out there; that's where I had my lunch. But I went to the meeting downstairs, too, for a few minutes.

**Mr. Jeff Leal:** You're a man for all seasons.

**The Chair (Mr. Garfield Dunlop):** Yes, I am.

The first part of the meeting we have the Clerk, and she has a report on some time she spent in Ottawa.

**Mr. Gilles Bisson:** Was it two to 20?

**The Clerk of the Assembly (Ms. Deborah Deller):** Two to 20.

You will recall that I had mentioned to the committee that the Canadian Study of Parliament Group had a business seminar that it was holding in Ottawa on May 23. I attended that seminar. I looked all around the room and I didn't see any of y'all there.

**Mr. Gilles Bisson:** Point of order, Chair. You know that standing order whatever-whatever says that you're not supposed to mention that. I want to admonish the Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'll withdraw.

The seminar dealt with the legislative process. The format was that the first session was basically a primer on the legislative process at both the House of Commons and the Senate. The panellists were a principal clerk from the House of Commons, Ian McDonald, and one of the principal clerks from the Senate, Charles Robert. The second session was a review of a new addition to the Parliament of Canada website that's called LEGISinfo, which is very similar to our status of bills. Panellists for that were representatives from the House of Commons, the Senate and the Library of Parliament. The third session was a panel discussion on the legislative process. The panellists were Paul Dewar, who is the sitting MP for Ottawa Centre; the Honourable Robert Runciman, senator; and a former MP from Rainy River by the name of John Reid.

Matters of interest that came up with respect to the initial session on the legislative process—there are a couple of things the committee might find interesting. One is that at the House of Commons, private members' bills survive prorogation and endure for the life of the Parliament. What that means is that when the House prorogues at the end of a session, private members' bills are carried forward into the next session at the same stage. So if you have a private member's bill that gets past second reading and gets referred out to committee, that bill will stay on the order paper at the committee stage into the next session. That avoids the issue of members having to reintroduce and start the process again for the same legislation, session after session.

They do have a notice requirement for the introduction of bills, and I was interested to learn that there is in fact no vote at introduction and first reading for bills. It's a deemed vote. There is no vote at introduction and first reading of bills; it's a deemed provision.

There is a formalized report stage for bills that are being reported back from committee. That stage is not intended to repeat the committee stage. It is a stage, however, where the House can introduce amendments to the legislation. There is 24 hours' notice required for amendments, and the Speaker selects which amendments can be moved. That is to avoid repeating amendments that were dealt with in committee or that could have been dealt with in committee. The Speaker groups amendments and selects the ones that will be considered by the House at report stage. That was that part of the session.

The LEGISinfo probably only will come into play with this committee if and when you get to a discussion about things like enhancing the information that's on the website, or electronic petitions, that kind of thing. It's really similar to our status-of-bills section on our website, where it lists all of the bills and what stage they're at. It includes some additional information—if there are any relevant Speaker's rulings, major speeches, recorded votes—and it will also list similar bills in previous sessions. There's also a separate box that has departmental information, like any ministry reports or press releases and that kind of thing, that relate to the bill.

With respect to the parliamentarians' panel, without identifying who said what, I've just made a list of the kinds of things that were commented on. There was a discussion about constraint in committee consideration of legislation, often by virtue of time or directives from the

Prime Minister's Office. They had a discussion about the use of closure and its increasing frequency. There was a discussion about committees needing more independence. One of the panellists said that parliamentary secretaries, in his view, had no place at committees since they really end up speaking for the PMO. There was a short discussion on the desire to increase modern ways to engage Canadians, particularly young Canadians, in the process.

There was a concern expressed on the use of omnibus legislation to put forward substantive provisions. There was a feeling among, I think, most of the panellists that we'd gone from omnibus legislation that once dealt with substantive matters that then got—the pendulum swung the other way because of pressure from backbench members that omnibus legislation, if it was going to be used, should only deal with housekeeping issues. Now the pendulum seems to be swinging back to it containing more substantive provisions again.

The McGraw report came up, and there was a discussion about the fact that it was still worth looking at—

**The Chair (Mr. Garfield Dunlop):** What's that again?

**The Clerk of the Assembly (Ms. Deborah Deller):** The McGraw report? There was a discussion about the fact that it was still worth looking at, even though it had been written some time ago, on parliamentary procedure.

They all agreed that Senate committees work. There were differing opinions on why that's the case, although the fact that they are maybe less partisan than House of Commons committees certainly factored into it. One quote was, "They work because they're civil and because they have no rotational requirements or speaking limits," which lets them just do the work they have to do without concern with only having five minutes to question a witness or something like that.

There was one interesting suggestion that in the committee consideration of estimates, the minister should be called at the end of the process instead of the beginning. That centred around the fact that really, the committee should probably be in the business of information-gathering about the estimates process first, and when they understood all of the information around the estimates, that's when they should have the minister there to ask questions.

There was a comment from a couple of the panellists saying that, in their view, hyperpartisanship is on the rise and is problematic to the process.

That's my report on the seminar.

**The Chair (Mr. Garfield Dunlop):** Are there any questions to Deborah on her report? Mr. Balkissoon and then Mr. Leal.

**Mr. Bas Balkissoon:** Just to go back to the private member's bill, refresh my memory: At their level, not every member gets to move a private member's bill in each session, similar to ours, right? It's less?

**The Clerk of the Assembly (Ms. Deborah Deller):** There is a kind of balloting process, yes, and there are more members. I should say, though, that they do more

private members' business during the week than we do. Five hours, Peter?

**Mr. Peter Sibenik:** Yes. One hour every day.

1310

**The Clerk of the Assembly (Ms. Deborah Deller):** One hour a day, every day that the House meets.

**Mr. Bas Balkissoon:** I was more concerned about a private member's bill remaining on the order paper. Was there anything related to its remaining because not every member gets an opportunity for a private member's bill in a full session?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, I think it's more to avoid the notion that in a second session, for example, you would have to introduce the same private member's bill again and go through the whole second reading process again. In their private members' business process, they have mechanisms that ensure that the bills move along through the process a little better than ours so they don't stack up in committees like ours do.

**The Chair (Mr. Garfield Dunlop):** Mr. Leal, then Mr. Clark.

**Mr. Jeff Leal:** Deb, regulations, of course, are the enabling piece of a piece of legislation that comes forward. In Ottawa, do they provide any mechanism for oversight of the regulatory aspect of legislation?

**Mr. Gilles Bisson:** What's that? Can you say that again?

**Mr. Jeff Leal:** One of the issues that's been raised dealing with regulations—it was raised on a private member's bill by Mr. Nicholls a couple of weeks ago. Right now, we have legislation B, which outlines the main thrust and the overview of the legislation, and then it always says subject to regulations to enable this piece of legislation, to make it workable. In Ottawa, is there any process that looks at the regulatory aspect of a piece of legislation as it goes through or after the fact? Mr. Bisson has a good example: What starts off as a car being red, and when the regulation framework comes in, the car becomes blue or orange, whatever colour you really like.

**The Clerk of the Assembly (Ms. Deborah Deller):** This is part of the delegated legislation conversation that probably should occur. Peter, I read your paper this morning—

**Mr. Jeff Leal:** Maybe I'm a little ahead of myself here with the question.

**The Clerk of the Assembly (Ms. Deborah Deller):** —and I know that you had a section about how the House of Commons deals with delegated—

**Mr. Peter Sibenik:** Very briefly, there is a joint committee of the House of Commons and the Senate that is responsible for the scrutiny of regulations. They look at the statutory instruments; not just regulations, but also a broad array of statutory instruments that are passed pursuant to some kind of primary legislation or pursuant to a regulation. So they make annual reports.

They also have the power to issue a disallowance report. Basically, it's a report that goes to the House that says, "We don't think this particular regulation should

have been passed,” and it will indicate the reasons for that. The minister or the government is refusing to revoke the regulation, so they can report to the House of Commons, and the House of Commons basically fast-tracks debate and consideration of whether or not it is going to adopt that particular report.

There have been about 10 or so of these so-called disallowance reports that have been issued over the course of the past 20 or 25 years. Not one of them has been adopted by the House yet. What the House usually does is refer it for further study or something of that nature. But it’s a bit more vigorous, I would say, than—

**Mr. Jeff Leal:** —what we have here right now with the committee that looks at—

**Mr. Peter Sibenik:** Yes. Our procedure was, in part, borrowed from Ottawa’s—that’s my sense of it—because the list of criteria that you see in the standing orders for the committee to go through to assess regulations is somewhat similar to the list of criteria that this joint committee up in Ottawa uses to assess regulations and other statutory instruments.

**Mr. Jeff Leal:** Because some have suggested that this lack of oversight of regulatory provisions has led to a fairly significant shift to the executive branch of government over many decades.

**Mr. Peter Sibenik:** Yes, I would say that some other jurisdictions in the Commonwealth offer more vigorous methods of oversight of regulations. Some of the Australian jurisdictions and the United Kingdom as well have things called affirmative and negative resolutions, whereby a particular regulation or draft regulation, as the case may be, requires the approval or disapproval of the House, so to speak, in a resolution of the House in order for it to come into force or for it to be revoked.

**Mr. Jeff Leal:** I don’t want to prolong this, but just as a reflection on the nine years that I’ve been here, I think we would really help both cabinet members and opposition members to have a better knowledge in this particular area. That’s just my view as an individual.

**The Chair (Mr. Garfield Dunlop):** Steve, you had a question, and then Gilles.

**Mr. Steve Clark:** I just want to go back to clarify the private members’ business at the federal Parliament. They have an hour a day for five days. The non-votable/votable is if it’s passed and it goes to the bottom of the list, and then when it comes back, you’d get that second hour and then vote on it. Correct?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, but there’s a determination made at some point about what is votable and what isn’t. So not everything ends up coming to a vote.

**Mr. Steve Clark:** But you at least get that first one-hour debate in the House regardless.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**Mr. Steve Clark:** The other thing that I thought you had said before the meeting was the fact that when the House prorogues, those bills don’t drop off. Is that some-

thing that happens anywhere else, or is that sort of a unique situation at the federal level?

**The Clerk of the Assembly (Ms. Deborah Deller):** Off the top of my head, I can’t think of another jurisdiction. They might. We haven’t really explored that.

I think in the paper that you received last week about private members’ public bills, there was a section that suggested that something the committee might want to consider is to have bills be maintained at the same stage—

**Mr. Steve Clark:** Because the way I understand it—so after the second hour, if it’s voted on and passed, it would go to the committee. If no action was taken by the committee—

**The Clerk of the Assembly (Ms. Deborah Deller):** —within a certain period—

**Mr. Steve Clark:** —within 60 days, it comes back to the House and deemed to be there unamended.

**The Clerk of the Assembly (Ms. Deborah Deller):** It’s deemed to be reported without amendment.

**Mr. Steve Clark:** So that’s why you don’t have a backlog.

**The Clerk of the Assembly (Ms. Deborah Deller):** That’s right.

**Mr. Steve Clark:** Okay. Good.

**The Chair (Mr. Garfield Dunlop):** Gilles, did you have a comment too?

**Mr. Gilles Bisson:** I’m just intrigued by the Australian model. What is it called again? The regulation—

**Mr. Peter Sibenik:** Are you talking about the affirmative and negative resolution procedure?

**Mr. Gilles Bisson:** Yes. So it’s the affirmative—

**Mr. Peter Sibenik:** Affirmative—

**The Chair (Mr. Garfield Dunlop):** Move your mike down there a bit, Gilles.

**Mr. Peter Sibenik:** Under the affirmative resolution procedure, a resolution of the House is required for the regulation to come into effect. That procedure isn’t used as often as a negative resolution procedure, whereby the regulation is going to come into force unless there is a resolution of the House that says no, it’s not going to come into force.

**Mr. Gilles Bisson:** So, essentially, when they draft legislation, they do what we used to do here before, which is, almost everything is spelled out in the bill, and only on the rare occasion where there’s a regulation, then you have to go through the resolution process to either affirm or negate that resolution from being adopted as part of the bill.

**Mr. Peter Sibenik:** Except I haven’t looked at the Australian system in very much detail. At this point, I’m still gathering information. In a lot of these situations, the affirmative and negative resolution procedure only applies to a particular statute. It might not apply across the board with respect to all regulations.

**Mr. Gilles Bisson:** Can you do the committee a favour by—you’re obviously doing some research in here, but what I’d be interested in, and I think the rest of the committee—Mr. Leal has his interests, as well. To

what degree is it used, how is it used, kind of thing; is it used on all?

There was a time that very little was left to regulation, and that is, I think, what Legislatures are supposed to do: We make a decision, and if a future government decides that they want to negate or change what a previous administration has done, bring it back to the House, right? You don't want to be in a position where one government does something and, by regulation, the other government can do or undo it without having a debate and a vote in this House. So you can get back to that.

**Mr. Peter Sibenik:** Yes. Thank you.

**The Chair (Mr. Garfield Dunlop):** Are there any other comments on—Steve?

**Mr. Steve Clark:** We had mentioned about trying to get an overview of some of the speeches and some of the reports that you would have had when you were there. Was there anything that you could pick up for us?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, there was nothing in writing. I'm not sure if they provide a transcript after the fact, but if they do, I'll make it available to the committee.

1320

**Mr. Steve Clark:** Thanks.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** Just a quick question. I'm intrigued also by the estimates. It's kind of the reverse of what we do now. In our estimates now, the minister makes a statement, the minister has the cadre of support people there, and then we start. The advantage, I guess, of Ottawa is—

**The Clerk of the Assembly (Ms. Deborah Deller):** I should clarify that that isn't their practice in Ottawa. There was a suggestion by—

**Mr. Jeff Leal:** Oh, a suggestion.

**The Clerk of the Assembly (Ms. Deborah Deller):** —one of the panellists that it would make more sense to have the minister at the end of the process rather than the beginning.

**Mr. Jeff Leal:** Thanks. I think there's some merit in it.

**The Chair (Mr. Garfield Dunlop):** Gilles, you had a comment?

**Mr. Gilles Bisson:** Yes. I just want to be clear: On the private members' part in regards to the 90-day rule in committee, it's 90 sessional days or 90 days?

**The Clerk of the Assembly (Ms. Deborah Deller):** It's 60.

**Mr. Gilles Bisson:** Is it 60? Sessional days?

**Mr. Peter Sibenik:** And there can be an additional 30-day extension.

**Mr. Gilles Bisson:** It's sessional?

**Mr. Peter Sibenik:** I'd have to check on that.

**Mr. Gilles Bisson:** Can you let me know?

**Mr. Peter Sibenik:** Yes.

**The Chair (Mr. Garfield Dunlop):** Is there anything else on Deborah's trip to Ottawa and their comments back? Deborah, thank you so much, then, for that.

We're going to go to the next item on the agenda here. Go ahead.

**The Clerk of the Committee (Mr. Trevor Day):** The next item that was handed out: There was some talk last time about the weekly sitting times of the House. We've gone back and provided you with the current one and then the last four before that, weekly schedules of the House, in terms of trying to foster some discussion on what you'd like to do in this neighbourhood.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, Trevor. I think there may be an error on the pre-1986, because my recollection is—and I'm showing my age now—that the House didn't actually sit on Wednesday. It was a Friday morning, not on Wednesday. And then you see that when they made the changes in 1986, they shifted Friday into Wednesday. But we can check that and make sure.

**The Chair (Mr. Garfield Dunlop):** Okay. Just so we're clear, before 1986, you're saying the House didn't sit at all?

**The Clerk of the Assembly (Ms. Deborah Deller):** There was a period of time before 1986, and I think we'll have to take a look at it, but I think—

**The Chair (Mr. Garfield Dunlop):** But the committees did?

**The Clerk of the Assembly (Ms. Deborah Deller):** Committees met on Wednesday.

**The Chair (Mr. Garfield Dunlop):** Wow. I never knew that.

**Mrs. Laura Albanese:** I did hear at one point, maybe it was from the Clerk, that Wednesday was a committee day.

**The Clerk of the Assembly (Ms. Deborah Deller):** Committee, cabinet and caucus.

**The Chair (Mr. Garfield Dunlop):** And they had night sittings fairly regularly?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. They would break from 6 to 8 and then come back from 8 to 10, I thought, maybe 10:30. But actually, it was only on Tuesdays; it wasn't every night.

**Mrs. Laura Albanese:** Interesting debate.

**Mr. Bas Balkissoon:** It would be interesting debate after they had been out for two hours.

**Mr. Gilles Bisson:** So let's agree there are no night sittings.

**The Chair (Mr. Garfield Dunlop):** Okay. So, folks, we've got the five different scenarios here. Let's have a discussion on how people feel about anything they see here. Gilles has already made a "No night sittings." We could maybe get a discussion. I think it will open up fairly quickly.

**Mr. Bas Balkissoon:** I think what you need to hear from everybody, though, is what it is about the current schedule they don't like, and then see where you can fit it, because I think you'll find it impossible.

**Ms. Lisa MacLeod:** There are several of us who were here pre the changes, albeit I was only here for a little bit, and often I'm either credited or blamed for the new schedule, depending on who you talk to.

One of the issues that I do have with the current schedule is I find it is too inconsistent day to day, and I

think there is a way we can bring back consistency so that every day is similar in how the process goes through, not similar in the items that we discuss, if that makes any sense.

I look, for example, at the 1989 to 1997 calendar. That would've withstood the test of time under three, I think, governments—not a long time, and certainly not a decade. I look at that, and it intrigues me in that we could do something similar to what the Clerk has indicated was previously done here, by having a caucus meeting in the morning and then a cabinet/committee sort of day in the afternoon, and then perhaps even wrap up the day with private members' business. In the mornings, from 10 until noon, have orders of the day on the other days, proceed with your routine proceedings and then go to private members' business—

**Mr. Bas Balkissoon:** You've lost me. Can you start all over? I've got to write this down so I can discuss it with my caucus.

**Ms. Lisa MacLeod:** Oh, sure. You know what? I'm not speaking as a caucus member; I'm speaking as a private member in sort of my own interest—

**Mr. Bas Balkissoon:** I still want to know what it is you're suggesting.

**Ms. Lisa MacLeod:** But I think it's a starting point. I would go—so 1989 to 1997—

**Mr. Bas Balkissoon:** Right.

**The Chair (Mr. Garfield Dunlop):** It's open discussion here.

**Ms. Lisa MacLeod:** Yes. I'm throwing it out there.

**Mr. Bas Balkissoon:** But do you know what, Chair? We won't remember if we don't make notes.

**Ms. Lisa MacLeod:** Yes. I'm just throwing this out here because I think—I've spent a lot of time in the last couple of years looking at this. I look at this 1989 to 1997 piece. From 10 until noon on Monday and Tuesday, we could do orders of the day, continue on with routine proceedings—I am very favourable to leaving question period at a set time in the afternoon. I like what the federal guys are doing with private members' business. So where it has orders of the day, you remove all that, and you put private members' in for an hour. If there's any time in the afternoon, the government could call orders of the day before that, depending on how long your motions and petitions and reports by committees, introduction of bills etc. would last.

I think we had something called—in the previous incarnation of—bear with me here. Here it is. Between 1997 and 2009, routine proceedings had to be concluded by 4 p.m., at which time the Speaker would put all questions and proceed to orders of the day. We could actually stick some orders of the day there as well, for an hour or two, depending on how long routine proceedings would go each day if, say, we even started at 1 o'clock.

Then I like the idea of this notion where you have your caucus in the morning and then cabinet and committee would sit, so that there would be one day a week. I just think it would be more consistent and there would be a better flow for all members.

Finally, on that Thursday, we could do orders of the day on the Thursday morning, where it says private members' business. I don't know how much debate time that would give us, and I think that's something we have to consider.

**Mrs. Laura Albanese:** So, sorry, Lisa, just to make sure I understood: You're basically saying, orders of the day on Monday, Tuesday and Thursday morning; committees on Wednesdays; and, where we now have orders of the day at the end of the day, that would be private members' business.

**Ms. Lisa MacLeod:** Right.

**Mrs. Laura Albanese:** Am I getting that right?

**Ms. Lisa MacLeod:** Yes. What intrigues me—and I'm not speaking on behalf of Steve, although he may agree with me; I don't know. I'm just simply putting this out as an idea because I think we have to start somewhere and hopefully find a consensus of where we're going.

One of the things that I think with the private members' business that they're doing federally is, it doesn't lump everything in together. Because it's not Thursday afternoon, people are actually able to participate if they want to be there but can't be. They're already going to be here or, as the case may be, in Ottawa. I think that might be an option we want to look at.

I just used the 1989 to 1997 schedule because it seemed to be the most consistent and amenable to some of these changes. It's something that we should look at: having that consistency brought back.

**Mr. Bas Balkissoon:** But I did the quick math, and I don't think the hours add up to get the number of hours of orders of the day that we have currently versus what's on here.

1330

**Ms. Lisa MacLeod:** You've done that?

**Mr. Bas Balkissoon:** I just did a quick thing. I mean, orders of the day on this 1989 to 1997 looks like it's just one hour, but really, if you look at what we're doing now in the House, it's not four hours a week; it's a lot more.

**Ms. Lisa MacLeod:** No, and say if we did the movement where I was going, you'd end up with—

**Mr. Bas Balkissoon:** I think the comment was made before that prior to 2003, the number of sittings for the entire year was less than 16 weeks—

**Ms. Lisa MacLeod:** Right.

**Mr. Bas Balkissoon:** —or 16 weeks if I remember. You're looking at a whole different government process now compared to then. If you look at the number of hours for orders of the day currently and try to fit it into this, it won't work.

**Ms. Lisa MacLeod:** How many hours of debate do we have right now? Seventeen or 18?

**Mr. Bas Balkissoon:** An hour and a quarter in the morning every day—

**Ms. Lisa MacLeod:** With the exception of Monday.

**Mr. Bas Balkissoon:** —with the exception of Monday, and then in the afternoon it starts at about 1:30 or 1:45 and goes until 6 on Monday, and on Wednesday it's

from 3 to 6, minus the half-hour for routine proceedings. So it's a lot more hours.

It's nice to look at the schedule, but I think you have to break it down into hourly increments and really see if it plugs in.

**Mrs. Laura Albanese:** Could we have an accurate count of the number of hours that we debate right now in orders of the day weekly?

**The Chair (Mr. Garfield Dunlop):** Yes, we can calculate that fairly quickly.

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**Mr. Jeff Leal:** Lisa, you said you thought the post-2009 schedule was inconsistent?

**Ms. Lisa MacLeod:** No, dear, I'm saying that I think the current schedule is inconsistent.

**Mr. Jeff Leal:** That's what I said, post-2009.

**Ms. Lisa MacLeod:** Oh, sorry. I thought you said pre-2009.

**Mr. Jeff Leal:** No, post-2009. Can you just highlight that for me, because I'm trying to understand where you're coming from?

**Ms. Lisa MacLeod:** Sure. We have oral question periods, but I find that you have a large chunk of your day on Tuesday when you never know where you're going to be after caucus. Then, of course, there's Wednesdays—we're sitting through a cabinet meeting right now.

I also find it very troubling that we break routine proceedings up from oral question period. I really—maybe it's the traditionalist in me—favour having those with members' statements. Granted, I will say that members' statements now are less partisan than they were when I first arrived here, because people aren't trying to play to the camera as much as they're trying to get something of historical relevance on to the record.

One of the things that I think—I would hope, anyway—we would try to promote in our caucuses is to ensure that we have that period of time, those statements, as ways to get on the public record something relevant in our communities so that they're part of the Ontario record. I think that, to me, is very important, that people are in Hansard and they're part of that history of Ontario. At the same time, I'd really like to see oral question period back with routine proceedings.

One of the things I lament, probably with others as well, is that particularly when we're making a tribute to a former member who has passed or there is something significant, like we're marking Holocaust remembrance or VE Day, it used to be that the whole chamber was there, because it would be before or right after question period. Every member would be there and take part in that solemn experience. Now, we would be lucky if we have, I would say, 30 members in the House at any time when one of those tributes is being made or we're marking a historic event.

I think we really have to think about that, because in my opinion, anyway, we're doing that for a reason. We're marking either a person's passing or a historic

event in the province or the country or the world, and it really does deserve the attention of all members. I just think that now there's that inconsistency because there's this break. Then we have other chops in the day, if you look at routine proceedings.

My big thing, obviously, is that we do finish by 6 or 6:45 at night, for a variety of reasons. I also will say that when the debate started at 6:45, the debate really did decline. I've been there when really good people have been ejected because they had a little too much fun at receptions and then came in to debate. That discouraged me, as a new member. That's why I think, for the sanity of all of us, we might want to chop it off either at 6 or 6:45. And, of course, it's also family-friendly, which is still very important to me and others. But to answer your question, Mr. Leal, I think that I would really like to bring those back together and have a consistent day.

**Mr. Jeff Leal:** I share your observation, particularly when we honour a member who has passed away, particularly if there's a large contingent of the member's former family that makes the trip, most of the time from outside of Toronto, and the fact that—you're right—the chamber is virtually empty except for people speaking for their respective caucuses. I think you raise a very good point.

**The Chair (Mr. Garfield Dunlop):** On that particular point too, that's one of the things—in the very first meeting, I believe Deborah brought that up. That was something that she thought we had missed out on somewhat. Maybe I'm not explaining it clearly.

**Mr. Jeff Leal:** That's fine.

**The Chair (Mr. Garfield Dunlop):** Also, we debate between 12 and 14 hours a week now.

**Mr. Bas Balkissoon:** Yes, that's what I have.

**Ms. Lisa MacLeod:** So I guess the question I would have for the Clerk: If we were to look at taking that level of debate time and then putting it into a more consistent or standardized calendar, could we have those same type of hours, something that would be comparable?

**The Chair (Mr. Garfield Dunlop):** Gilles wants to get in on this.

**Ms. Lisa MacLeod:** Sure. I'm sorry if I've monopolized the—

**The Chair (Mr. Garfield Dunlop):** No, no. That's okay. That's what we're here for.

**Mr. Gilles Bisson:** Yes, I've been patiently sitting here watching and listening to this. There are two principles. I want to come back to what Mr. Balkissoon said because I think you started off from the right point: What is the problem, and what do we need to fix? I think that's a good suggestion.

I want to come at it from where you're coming from but probably somewhere you wouldn't think I was coming from. One: The government has to be able to get its agenda through. That's my understanding. Currently, we get about 12 hours and 45 minutes of debate on average per week, if you figure out the math. By the time we do three morning sittings—we do Monday, Tuesday, Wednesday, and if we happen to do after private mem-

bers', we get about 12 to 13 hours, depending on what happens during routine proceedings. That has to be maintained, right? We all agree. If we don't want to have night sittings, the government has to have sufficient time during the day to be able to debate its bills. I have a bit of a proposal.

The second thing is, I think there's a bit of an agreement that there's a disconnect between routine proceedings and question period, for all of the reasons that people have said. Let me come at it a little bit differently. If we were to say that Monday morning we don't sit except for question period, would normally happen every day is that on Tuesday, Wednesday and Thursday you would have one hour of private members'. Let me suggest why I think we do one morning each for each of the private members'. It's that, for example, every Thursday there are three bills. There may be a bill that I want to speak to out of the three. There may be none; there may be all. I may want to vote or not vote or abstain on particular votes, depending on what they have going on. The problem we've got now is, I go in because this one bill is really important; but on that one that I really don't want to be associated with, I have to run out of the House.

**Ms. Lisa MacLeod:** Yes.

**Mr. Gilles Bisson:** Let's be real. If you had one per morning, then you say, "I'm not interested in the bill on Tuesday morning, but I'm interested in the bill of Wednesday morning." So it allows you to more cleanly deal with that. So I would suggest the following: The House meets, every day except Monday, at 9. It does private members' hour. At 10 o'clock, you fall into routine proceedings, which would be your members' statements and all of that stuff. Once you've done your routine proceedings, we would then fall into question period. It would be: from 9 to 10, private members; essentially, 10 to 11, or a little bit less, routine proceedings; at 11 o'clock, or a little bit before—whatever we work out for the timing—you'd do your question period and then all your deferred votes. That way, you've got everybody there in the morning. If you're doing—as Mr. Leal pointed out, which I think is pretty bloody embarrassing—an important statement by the government as far as a ministerial statement, or maybe an important statement on the part of a member having to do with something in their riding, and there's nobody there. So at least you've got some—

**Ms. Lisa MacLeod:** That's when people are watching. And to your point, and to yours, Mr. Leal—

**Mr. Gilles Bisson:** Well, let me finish.

**Ms. Lisa MacLeod:** Sure.

**Mr. Gilles Bisson:** Let me finish where I'm going. The idea is, we would do that. In the afternoons, the House would resume on Mondays and Thursdays at 2 o'clock and go on to 6, and on Tuesdays and Wednesdays we go from 3 to 6. That gives you 13 hours of government time and it allows us to recouple routine proceedings with question period, allows us to deal with deferred votes in a way that's sane and allows the gov-

ernment to get their 13 hours. That would be my proposal.

**The Chair (Mr. Garfield Dunlop):** So you're saying—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** No, go ahead. I'm trying to get the total hours.

1340

**Mr. Bas Balkissoon:** Gilles, go back with the orders of the day for Monday to Thursday, slowly.

**Mr. Gilles Bisson:** So, for example, Monday morning you would come to work at 10 o'clock. The House would—

**Mr. Bas Balkissoon:** No, I'm talking about the afternoon.

**Mr. Gilles Bisson:** Oh, the afternoon? Orders of the day would start on Mondays and Thursdays at 2 o'clock and go until 6. That gives you four hours each day.

**Mr. Bas Balkissoon:** All right.

**Mr. Gilles Bisson:** Then Tuesdays and Wednesdays would go from 3 to 6, which would give you three hours each day. Add that all up, and it comes out to essentially 13 hours. We're currently doing 12 hours and 45 minutes.

**Mr. Jeff Leal:** So, Gilles, question period would run from—

**Mr. Gilles Bisson:** Around 11 to 12, or 10:45 to 12.

**Mr. Jeff Leal:** Quarter to 11 to maybe quarter to 12, and deferred votes from quarter to 12 to 12 or something.

**Mr. Gilles Bisson:** It gives members that two-hour block on Mondays and Tuesdays, because the problem we all have is, we have people coming in to meet with us, and we're constantly trying to find time to meet with constituents or stakeholder groups or ministries for briefings. Then you know, okay, I've got Monday and I've got Thursday from 12 to 2. If we want to make it 2:30, that's fine; I'm not going to argue over that. But it gives members the chance to do their jobs and also allows the caucuses to meet on Tuesday and cabinet to meet on Wednesday. It seems to me it's a bit saner.

**Mr. Bas Balkissoon:** Gilles, I noticed you've accommodated the Monday coming in late to allow the members travelling from out of town to come in, but how do you deal with the Thursday now for the members out of town and it's regular business?

**Mr. Gilles Bisson:** Because it's an order of the day. As a member, if I say, "Oh, it's my critic portfolio," I will be there Thursday. But if it's not my critic portfolio and I'm not speaking, my whip then has to worry about the five members or whatever your magic number is on your end, to be there, and the rest of us can go and do what we've got to do, because the reality, which most people will not know—I'll put this on the record—is that we do have ridings, which is about two thirds of our job.

**Mr. Bas Balkissoon:** I know the last time we dealt with this and I was on this committee, the Thursday issue was booking the flight and knowing that once you book it, you can't cancel it, because it costs you more. So I just wanted to find out how you deal with that Thursday.

**Mr. Gilles Bisson:** You then know, I'm going to be there or not based on my critic portfolio, and on the Monday morning, if I have a statement, I'll come in on the early morning flight or I'll come in on Sunday. Otherwise, I could make it here for 11 o'clock for question period.

**The Chair (Mr. Garfield Dunlop):** So in other words, all afternoons are always debate.

**Mr. Gilles Bisson:** They're always debates, and private members in the morning, question period, orders of the day.

**The Chair (Mr. Garfield Dunlop):** I like it. Any other comments on Gilles's thoughts here? Go ahead, Lisa, and then Steve has got some.

**Ms. Lisa MacLeod:** Well, I think we're going in the right direction right now with a variety of the options that are being discussed. What I would like to know is if it's possible for the committee clerk to direct someone to put a couple of options, as we discussed them, together, as we keep moving. I'm amenable to some of the changes, not quite enthused by all of the recommendations, but I'm moving, and I think my position, as well as others', will evolve as we start to discuss this. But what would be really helpful is if we could start bringing something back to our caucus in terms of what a schedule would look like. So if we're talking about different options today, it would be really helpful if they could come back to committee.

**The Chair (Mr. Garfield Dunlop):** If I could just make a comment as the Chair, I think we're moving in a fairly positive direction here. To continue the discussion here, I like the idea of keeping everything together, the statements, the ministers' statements and that sort of thing. I always thought that was really neat when it was in the afternoon, because it really did draw attention to those couple of hours of the day and it actually did, in my opinion—when there was a tribute to someone or a special speech, we had a lot of people in the building. I think we are really missing that. I go in there some days and it's a special day for cancer or MS or something and there's like 12 people watching this, and then a lot of people are in the gallery and they're saying, "Where are our members?" So I love the idea of keeping them together, whether you shift it to the afternoon or not.

The other thing I kind of like the idea of is knowing that every day we debate in the afternoon, because now it's a little bit confusing. And then you can work your committee structure around that as well, very easily.

**Ms. Lisa MacLeod:** Yes, and I think that, to me, Chair, is a big thing. It's sort of inconsistent.

I must say, to your point—and I'm sorry to interrupt, but I've had an occasion where I've been doing a member's statement and I will now, because we're able to webcast, send out the email to folks so they can watch it at work, on their iPad or whatever, and I've had so many people contact me and say, "There's no one sitting behind you. Where's everybody at? The place is empty."

If you're going to do a human interest-type statement as a private member, which all of us in this area are,

we're actually doing a disservice to that statement that we're trying to bring credibility and importance to because it looks like we're just speaking to ourselves in the mirror. I want to make that point because it has personally disappointed me. So I do apologize for having yet again—

**The Chair (Mr. Garfield Dunlop):** No, no. I think this—

**Ms. Lisa MacLeod:** I'm quite passionate about this.

**The Chair (Mr. Garfield Dunlop):** People complain to me all the time about that.

Yes, go ahead, Bas, and then Jeff.

**Mr. Bas Balkissoon:** I kind of—

**The Chair (Mr. Garfield Dunlop):** Wait. You know what? I've got to go to Steve first. Sorry. Steve has had his hand up for long. Steve; sorry.

**Mr. Bas Balkissoon:** No problem.

**Mr. Steve Clark:** I was just about to challenge the Chair, so I just wanted you to know that.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** No, but I love this—I think this is a good conversation.

**Mr. Steve Clark:** I agree. Just to speak to something Bas and I talked about outside: I do think it's nice to have that template. We were talking about the sticky notes to say, if we're going to move this here and put it there to make sure we have enough time—and I think that's the beauty of the discussion is that we throw a whole bunch of stuff up against the wall and we ultimately see what sticks when we go back to our caucuses.

The one concern I have, coming from eastern Ontario—and it goes back to that whole complaint of mine about kids and coverage; right? I don't have any schools come and see me, because by the time they would get here, they'd miss question period and then they would watch the corporal's guard that would be in the House, and watch members' statements and some of the legislation.

One of the reasons why I like some of the things that Ms. MacLeod was putting forward and having orders of the day in the morning was to give that opportunity for people from other parts of the province to be able to come and sit in an afternoon session that would include members' statements, former member tributes, question period, so that we would actually have that opportunity for some communities like mine that are three, three and a half hours, four hours away—looking at the member for Glengarry-Prescott-Russell.

I understand the whole point. I was a big fan, when we first talked about this, of having some PMBs every day, and it's just one of scheduling. I don't mind changing the order of the day. I sort of like having the PMBs suggestion that Ms. MacLeod had, of popping them at the end of the day, and also have orders of the day, for sort of the same reasons that Mr. Bisson talked about: If I'm not on duty and I'm not the critic, maybe I wouldn't come in first thing Monday morning. I would have the luxury of coming in for question period and routine proceedings after lunch.

I know we're going to have this debate where some members want to try to come Monday morning and some want to get out of here as early as they can Thursday. I appreciate what you're saying from Toronto. If you plunk private members' business only on Thursdays, you're the ones who are going to be here debating motions, and I don't think that's fair. I think we need to split it up.

One of my big appeals of having question period in the afternoon is access. I know our TV coverage isn't the greatest, and I know we've got bandwidth issues with our website, but I really, truly do think that having an altered schedule, no matter what form, should try to position this stuff closer together to deal with what Ms. MacLeod said about former members, but to have people in the chamber, to have kids in the chamber.

**The Chair (Mr. Garfield Dunlop):** Thanks, Steve. Bas, and then Jeff.

**Mr. Bas Balkissoon:** I sort of like what Gilles suggested because I think it's workable and it's the simplest change, but I just had one question of the Clerk. If we deal with one private member's bill per day, how do we deal with the voting—at the very end, or we will vote as we went along?

**The Clerk of the Assembly (Ms. Deborah Deller):** You could do either. But I would presume that you would want to vote as you go along, or defer it—

**Mr. Bas Balkissoon:** So we'd have to make time for that vote in that—

**The Clerk of the Assembly (Ms. Deborah Deller):** Or if it's morning, it could be deferred to deferred votes that day.

**Mr. Gilles Bisson:** Or it could be done—because we don't use the full hour for the debate anyway.

**The Clerk of the Assembly (Ms. Deborah Deller):** Or it could be done within the debate time. That's something that I think you, as members, have to discuss, because you're going to want to decide whether or not—if you've got a private member's bill or resolution and you've got people here from your riding to watch the debate—

**Mr. Bas Balkissoon:** You want the vote.

1350

**The Clerk of the Assembly (Ms. Deborah Deller):**—presumably they're going to want to be there for the vote.

**Mr. Bas Balkissoon:** That's why I asked the question, because I think it's important.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. But you could build the vote time into that and have private members' business from 9 to 10, and then build in an extra five or 10 minutes for voting—well, 10 minutes, I guess, a five-minute bell.

**Mr. Bas Balkissoon:** That's why I throw it out, because we've got to make sure we put it on the schedule.

**Mr. Gilles Bisson:** My suggestion is that you can do it under deferred—everything is a deferred vote, and you can either do it after question period or between routine proceedings and question period. The bells ring and tell

everybody to come to the House, have a vote and you're into question period. That's one way.

**The Chair (Mr. Garfield Dunlop):** I like it. I like it. I didn't think I'd agree with you.

**Mr. Bas Balkissoon:** I just raise that one, but I think his suggestion is easily workable.

I just want to make a comment on the Monday morning one and all three private members' bills being debated together. The Toronto members in our caucus have always objected to Monday morning because we were the guys who were scheduled to get here on Monday morning because we live in the city. But that doesn't make it easy for us to get in. Some guys can fly in here in an hour. It takes me an hour and a half to drive in, although I live in the city. So it has some unfairness to it.

I think this is workable. The other ones have some challenges.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** Quickly, Gilles, the proposal you put forward: retention of 60 minutes for question period in the morning, I take it?

**Mr. Gilles Bisson:** I'm just thinking, as a former whip, that the difficulty we always have with private members' and all other votes is making sure we have people: "You've got to stay here. There may be a vote, there may be a vote. Stay, stay, stay, stay." If we can actually change the standing orders to say, "All votes are deferred unless we decide otherwise by unanimous consent," and they're all deferred to the deferred votes time, which I would argue—a suggestion Mr. Schein gave to my ear—that you put between orders of the day and question period, or you could do it after question period.

The point is that you don't constantly have whips in the position of telling everybody they've got to be here all the time; we know when the bloody votes will be. And you don't have the bells ringing all the time, trying to bring people in. People can plan their meetings. "Okay, I'm not on House duty today. I'm going to go and meet with my stakeholders. Oh, excuse me, the bells are ringing. I've got to go to a vote." You can actually plan your day—especially for parliamentary assistants, who are not in the building. It just makes for a bit more predictability. So you say, "Standing order change: All votes are deferred, unless by UC," and we pick a time in that morning in order to deal with that.

**Mr. Jeff Leal:** From a whip's perspective, that makes great sense.

**Mr. Gilles Bisson:** Yes. I thought as a fellow whip—

**Mr. Jeff Leal:** I belong to the union of whips.

**Mr. Gilles Bisson:** I have one other thing.

**The Chair (Mr. Garfield Dunlop):** Go ahead, Gilles.

**Mr. Gilles Bisson:** The other thing you said: "Where do we fix what doesn't work?" Part of the problem we have with committees is there's a lot of stuff that quite frankly doesn't need to go to a standing committee; it could go to committee of the whole. What we could do, and this is where I argue against myself, is look at a period where we're actually able to do committee of the whole at the government's call, because it would be the

government that decides if we went committee of the whole. They can go under orders of the day, as we can now, or we can actually say Tuesday night, Wednesday night from 6 to 7:30, if the government wants to order something into committee of the whole and not use House time. They can put it into committee of the whole in that time, but you don't make it open-ended so the House sits till midnight. So on the government's call—for example, Bills 13 and 14: If we had the deal that was originally put forward, we could have sent that to committee of the whole, made the amendments we wanted and taken it out so that the business doesn't get caught up in committee, where we don't need to do that. It's just a suggestion.

**The Chair (Mr. Garfield Dunlop):** Deborah, you've heard this discussion on this sort of change. Do you spy any problems with this type of change?

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, on the schedule that—

**The Chair (Mr. Garfield Dunlop):** The example Gilles used here, where he's actually got the hours and that.

**The Clerk of the Assembly (Ms. Deborah Deller):** I just leaned over to Todd and said, "It has a certain elegance."

**The Chair (Mr. Garfield Dunlop):** Or Todd. Does anybody? Again, it's just a discussion. I was just hoping—

**The Clerk of the Assembly (Ms. Deborah Deller):** I actually think there are a couple of things I kind of like about it. I think one of the things you might want to ensure that you do is do question period and then routine proceedings to preserve that certainty in the time for question period, if that's something that's of importance to cabinet and maybe the leaders and that kind of thing. Anyway, you might want to look at those kinds of things.

One of the things I particularly like about it is if you say that the afternoons are government business, that also means that committees have a greater block of time to meet in a day as well because they're not being interrupted by routine proceedings either; they've got the afternoons to meet. By going with this schedule, what you're also kind of doing is allowing a greater period of time for committees to meet.

**Mr. Gilles Bisson:** Can I—

**The Chair (Mr. Garfield Dunlop):** Go ahead, Gilles.

**Mr. Gilles Bisson:** One little comment: I would caution against—and this is just from a caucus perspective. The reason I said orders of the day first and question period after: I understood the difficulty that question period maybe—you can say always at 11 or maybe—

**Mr. Bas Balkissoon:** You mean routine proceedings, not orders of the day.

**Mr. Gilles Bisson:** No, excuse me; question period. The reason I wouldn't want to do question period first is that it's hard enough to get all the questions lined up by 10:30 now. If I go back to my caucus and say they have to be done by 10, the researchers are going to go on strike in my caucus. I'm just thinking from the perspective of

people—by the time the question period meeting happens, the questions are written, the members have done what they've got to do; you need a little bit of time. That's why I was suggesting that question period would be afterwards.

I didn't get into the committees, but that's what I kind of thought when I was looking at this. Part of the difficulty we have in committees now is that often they're interrupted by bells in the house, and I don't mean the bells that the Tories are ringing, but just because there's a legitimate vote that's going on—

*Interjection.*

**Mr. Gilles Bisson:** No, I was being nice to my Conservative friends.

**Mr. Steve Clark:** Sort of.

**Mr. Gilles Bisson:** Sort of nice. I'm kind of a nice guy, but not always.

**Mr. Steve Clark:** I didn't ring them yesterday.

**Mr. Gilles Bisson:** No, and you won't ring them today because Ornge is sitting, but that's another story.

But that's the other thing: We can get into a more sane and rational schedule on our committees, because there are four committee rooms—five, actually, if you count the Amethyst Room. We can then start thinking, when we get into the committee section, about when our committees meet, when it makes sense, who needs a larger block of time versus a smaller block of time. I would argue regs and private bills needs less time than a general government committee, that kind of stuff.

**The Chair (Mr. Garfield Dunlop):** Okay, any other comments on this or any other suggestions? We've talked about the scheduling here, but this is another option, the ones Lisa presented, plus Gilles's.

**Ms. Lisa MacLeod:** Again, I'm not wed to anything other than, at this point in time, I just want two or three options that we can have in front of us as working documents, and then at some point, we can whittle it down a little bit and bring it to our colleagues in our caucuses, and eventually this will be decided upon by our House leaders and the House.

I probably interrupted because I see Bas's hand up.

**Mr. Bas Balkissoon:** Only two.

**Ms. Lisa MacLeod:** Oh, you're giving me peace offerings. I don't know—

**Mr. Bas Balkissoon:** Two: Gilles and the current one.

**Ms. Lisa MacLeod:** No, but I think if there was anything else out there—

**Mr. Bas Balkissoon:** I can't seem to find another third one to accommodate the hours. His works, and the current one works.

**Ms. Lisa MacLeod:** Okay. Well, I just want to see a few different things out there that can accommodate, something that's so structurally sound that there's that consistency that Garfield and I have talked about and ensures that those routine proceedings are brought together. I guess to echo Garfield's point, it doesn't really matter if it's in the morning or the afternoon; it just sort of needs to be brought together.

My preference personally would be later in the morning or early afternoon, rather than late in the afternoon or early, early in the morning because, to Mr. Bisson's point, for those of us in opposition, it is very difficult to get all of those questions done and written and get on your day and do whatever your media plan is—

**Mr. Bas Balkissoon:** But I think our ministers face the same problem.

**Ms. Lisa MacLeod:** Absolutely, and one of the things—

**Mr. Bas Balkissoon:** —because they've got to be briefed every day, too.

**Ms. Lisa MacLeod:** One of the things that we did deal with, I believe and I recall—my memory may not serve me 100%. But I do recall at the time that one of the issues with moving question period to the morning was the ability for some of the bureaucrats as well as political staff to brief ministers. So moving it to 10 o'clock, I think, is a bit of a stretch.

**Mr. Gilles Bisson:** I didn't say 10.

**Mr. Bas Balkissoon:** He's not suggesting 10.

**Mr. Gilles Bisson:** I said 11 o'clock.

**Ms. Lisa MacLeod:** Yes, I heard him say 11, but I said moving it to 10 is quite a stretch.

**Mr. Gilles Bisson:** Oh, I see. You're saying switching it.

**Ms. Lisa MacLeod:** Yes.

**Mr. Bas Balkissoon:** Everybody has settled in with 10 o'clock right now—

**Mr. Gilles Bisson:** No, 10:30.

**Mr. Bas Balkissoon:** So we just leave it there.

**Mr. Gilles Bisson:** I would say 11 because you need the time—

**Mr. Bas Balkissoon:** No, but I'm saying—

*Interjections.*

**Ms. Lisa MacLeod:** I like 11 a lot more than 10:30, actually, because it still can be 10:45 before we get going. It also, by the way, helps everybody who needs to either take a train or a flight in from outside of this city on a Monday morning.

**The Chair (Mr. Garfield Dunlop):** Okay. Is there any—

**Mr. Bas Balkissoon:** Well, let's hope they show up for routine proceedings.

1400

**The Chair (Mr. Garfield Dunlop):** Okay, so with the indulgence of the committee, the clerk has just said that he would prepare another graph like this. Would you—

**Mr. Steve Clark:** I just wanted to put on the record that I think it would be good for us to have two very different proposals to put in front of our caucus. That's why I sort of advocated what Ms. MacLeod originally suggested in having an afternoon question period, keeping routine proceedings together and essentially trying to flip orders of the day and private members' business. The reason I'm saying that is that I really would love to see two very different proposals so that our members can have a really good discussion and give us that type of direction that I really think the committee needs.

**Mr. Bas Balkissoon:** I need to see it quick, then, Chair, so we can discuss it at our caucus because—I mean, the one that Gilles proposed is very simple, in my mind; it's workable. The other one, like I said, I did a quick hourly count. Because this is not in front of us in hourly blocks, it looks like it will work, but it doesn't.

**The Chair (Mr. Garfield Dunlop):** We can—

**Ms. Lisa MacLeod:** You guys can negotiate this in advance?

**Mr. Bas Balkissoon:** Well, the other thing is that you're bringing people in Monday morning early and I don't think that's—I thought that was a request, that we not schedule stuff early Monday.

**Ms. Lisa MacLeod:** No, I don't think we should have an earlier session that 10.

**Mr. Bas Balkissoon:** But you would have to because of the 14 hours of orders of the day.

**Mr. Steve Clark:** We'd either have to go late—

**Mr. Bas Balkissoon:** That was the other problem: Nobody wanted to go beyond 6.

**Ms. Lisa MacLeod:** I don't necessarily know that. The House of Commons right now sits until 6:45 and then they wrap up for the night. I don't think it was finishing hard at 6. Obviously, 6 is favourable to me, but so is 6:30 or 6:45. I'm simply suggesting that when we started sitting back again at 6:30 to 6:45 and we'd be here until 9:30 or 12 o'clock at night, the level of debate in this chamber was lower than the Westray mine.

**Mr. Bas Balkissoon:** I would personally object to after 6.

**The Clerk of the Committee (Mr. Trevor Day):** What I'm going to do is, we've got a couple of proposals—

**Mr. Bas Balkissoon:** I'll get home at 8; dinner will be at 9. It's ridiculous.

**The Clerk of the Committee (Mr. Trevor Day):** We've got a couple of proposals on the floor—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Guys, hold on. Let the clerk speak here.

**The Clerk of the Committee (Mr. Trevor Day):** We have a couple of proposals on the floor. What I'm going to do is try to put together this type of chart for the ones we have so you can visually see what we're talking about. I'll talk to the specific members to see if we've got it right, and we'll circulate it as soon as possible so members can take that back to their caucuses.

**The Chair (Mr. Garfield Dunlop):** So we'd have it for next Tuesday, then?

**The Clerk of the Committee (Mr. Trevor Day):** For sure.

**The Chair (Mr. Garfield Dunlop):** Okay. Is that all right with everyone? Gilles, did you have something else?

**Mr. Gilles Bisson:** No, I don't know if people caught what I was saying about committee of the whole, but that, I think, is something we should think about because it could take pressure off—

**Mr. Bas Balkissoon:** Well, we'll put it there. Like you say, it's the government's option—

**Mr. Steve Clark:** I agree—

*Interjection.*

**Mr. Steve Clark:** —discussing bills in committee of the whole, absolutely; especially when we change the standing orders on a provisional basis, that we try it. We certainly don't want to make those permanent changes and then go down the road that the Clerk talked about with the nine days. But I think on a trial basis we should commit to doing committee of the whole House.

**Mr. Bas Balkissoon:** But again, I'd say to you that the House leaders have to agree to call it, and they can either do it by motion or it's in the schedule; it doesn't matter.

**Mr. Steve Clark:** There are some bills that could go to committee of the whole House right now.

**The Chair (Mr. Garfield Dunlop):** Deborah?

**The Clerk of the Assembly (Ms. Deborah Deller):** Just a reminder: While you're on the discussion of committee of the whole, I just did have one thing to say about process. When I was in Ottawa, the principal clerk from the Senate told me that the Senate has just finished a three-year review of its standing orders.

**Mr. Gilles Bisson:** I'd like to see that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Mostly what they were concerned about was putting their standing orders in plain language. They have some other interesting things that they've done, too. But specifically, the committee has reported back, and what they will do in the Senate now is take a look at that report on the recommended standing order amendments in committee of the whole House. What that does is allow for all of the committee members to be in the House for that committee of the whole meeting, or most of the committee members, as well as any other members of the Senate who are interested or who have questions. So there is a discussion, much like a discussion that occurs in this committee, only it occurs with all members interested in the House in committee of the whole. That's one of the very good, useful purposes for committee of the whole. So that's just another pitch on my behalf for using committee of the whole.

**Mr. Gilles Bisson:** Committee of the whole, for those of us who have gone through it, is actually quite a good process because essentially I say to the minister, Mr. Leal, "Well, hang on, Mr. Leal, I have a question. Hang on, you didn't answer." And then the Speaker says, "Okay, enough of you. Next." But you don't ask once and you're dead. It's kind of neat.

**The Chair (Mr. Garfield Dunlop):** Okay, on the House calendar, is there anything else on the House schedule? Is there anything else here anybody would like to discuss?

**Mr. Bas Balkissoon:** Can we get the proposed calendar before next Tuesday, so at least we could discuss it at our caucus?

**The Chair (Mr. Garfield Dunlop):** Yes. We've agreed to do that.

**Mr. Gilles Bisson:** Don't adjourn. There are a few things we've got to deal with—other business.

**The Chair (Mr. Garfield Dunlop):** No, no, we're not adjourning.

**Mr. Gilles Bisson:** Oh, I saw him leaving, so I thought we were adjourning.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Yes, you will have it.

Is there anything else on this that anyone else at all would like to bring up on this particular issue or topic on the House schedule?

**Mrs. Laura Albanese:** No, we're good. We'll wait for that.

**The Chair (Mr. Garfield Dunlop):** All right, so we've got a plan for that.

Our next agenda item is? Gilles?

**Mr. Gilles Bisson:** I have other business, unless the committee has got other—do the clerk or the Chair have anything else?

**The Clerk of the Committee (Mr. Trevor Day):** We could start committees, but I'd be interested in your other business—

**Mr. Gilles Bisson:** The only thing is—just while we're all here, a couple of things we need to start thinking about. The House leaders—it looks like we'll have an agreement for committees to be able to travel. So one of the things that I think this committee has to think about is, do we want to look at what's going on in Great Britain, do we want to see what's happening in Scotland, do we want to see what's going on in Ottawa? Because the clerks are going to have to start doing some arrangements far ahead of time. I just want to hear what the government has to say.

**Mr. Bas Balkissoon:** Personally, for me, I would say unless I know what the real issue affecting us today is, I can't give you an answer. I would want to travel and see what somebody else is doing if we have a significant problem. But if we have a problem that we could work out across the table here, I'm happy to stay home and do it.

**Mr. Gilles Bisson:** What I understood from the documents that I've read up to now is that there are some interesting lessons to be learned from a couple of other jurisdictions, one of those being Scotland, because it's the newest of the Parliaments that has been created. So we are dealing with how do committees work better, how do we deal with private members' and a few other things that are essentially done within the Scottish Parliament. I think there's some value for us to do that, but if we're going to do that, the clerks need to know well enough ahead of time so we can figure out the best time to go. Is it June, is it July, is it August etc.?

**Mrs. Laura Albanese:** We'll have to find out when those Parliaments sit, as well.

**Mr. Gilles Bisson:** Yes, and that's what I'm asking the clerks to do.

**The Clerk of the Committee (Mr. Trevor Day):** If we could just get an idea of possibilities of where you'd

like to go, then we could start looking into if they're sitting, what's going on at those times. At this point, it's really just possibilities.

**Ms. Lisa MacLeod:** I'm quite favourable to what Mr. Bisson is saying. I think, obviously, Ottawa is a place we want to go to. It's obviously very close to my house. I've no problem taking the 15-minute drive. That would be really good.

I think the other thing is, we have talked about some jurisdictions in the past few months that were places that we wanted to engage. If there is an opportunity that they're sitting in July or August—it would have to be early August—we should consider that. So if you could provide us with some options—I think we talked about a variety of different places here in Canada but also abroad in the Commonwealth. If you could look at those options, further to Mr. Bisson's suggestion—I'm only concerned with time. Obviously, we want to start getting a report written in August. It's got to be done at a very—

**Mr. Gilles Bisson:** I have a question of the clerk. Is there any reason, technically, that we couldn't have one of those people come to see us?

**The Clerk of the Committee (Mr. Trevor Day):** I don't know.

**The Chair (Mr. Garfield Dunlop):** The summer is going to be a busy, busy summer, I can see right now. For people who think we're going to lay on the beach all summer, they've got a problem.

Gilles, is there any—that's coming from the House leaders, that's your report back?

**Mr. Gilles Bisson:** No, what I'm saying is that the House leaders are close to an agreement to allow the committees to travel. For example, this committee has its—the one in Chicago? Public accounts has their meeting in Nunavut.

**Mr. Bas Balkissoon:** Chair, I think we should get the information from the House leaders—

**Mr. Gilles Bisson:** No, that's my point.

**The Chair (Mr. Garfield Dunlop):** Let him finish up, and then I'll go back to you.

**Mr. Gilles Bisson:** My point is, what I'd like the clerks to do—because the House is only here for another two weeks and we have an agreement that's in the process of being dealt with—if we can find out when those Parliaments that we're interested in are meeting, so that we can figure out if there are any of these that we want to see. We had talked about possibly Scotland, England, Ottawa, Saskatchewan and Alberta—I think are the ones that we were looking at. So just come back and give us the dates and all that, and we can decide.

1410

**The Chair (Mr. Garfield Dunlop):** Okay. Mr. Balkissoon.

**Mr. Gilles Bisson:** It doesn't mean to say we're travelling to any or all of them, right?

**The Chair (Mr. Garfield Dunlop):** Before we go to Mr. Balkissoon, is there going to be approval for anyone to go to Chicago for that event? Is that something we can count on? Because they have to schedule that as well.

**Mr. Gilles Bisson:** I don't want to presume what the House leaders' final agreement is, but we have agreed in principle to that. We just need to do what needs to be happening to have that happen. That's the question.

**The Clerk of the Committee (Mr. Trevor Day):** With the understanding that this all has to go through the House and has to make its way through that approval, if we can get an indication as to which members, if we are approved, will be going to Chicago or would like to be going to Chicago—

**Mr. Gilles Bisson:** What are the dates, again?

**The Chair (Mr. Garfield Dunlop):** August 6 to 9.

**The Clerk of the Committee (Mr. Trevor Day):** So an indication of whether you intend to be going and whether you'll be bringing a guest. We can start looking at our numbers and doing some preplanning on our basis. So that's all we'd be looking for.

**The Chair (Mr. Garfield Dunlop):** Okay, I was going to go to Mr. Balkissoon first and then we'll go back. Mr. Balkissoon.

**Mr. Bas Balkissoon:** Chair, I don't have a problem if we go and research Scotland and wherever, but I think if we're doing it, the information about when the Parliament is meeting, we should also get back as part of that what would be the cost of the committee travelling at the same time, so we can make a quick decision, if we're going to make one. But I think that decision should be made only after we hear back from the House leaders officially.

Now, on the Chicago deal, that's totally different.

**The Chair (Mr. Garfield Dunlop):** And I think we already had our numbers on that.

**Mr. Bas Balkissoon:** Yes, the Chicago one, we have the numbers, and that's fine.

**Mr. Steve Clark:** We have the numbers; we've got the reservations.

**Mr. Bas Balkissoon:** I'm talking about the one for the standing order.

**The Chair (Mr. Garfield Dunlop):** I'm trying to look at where it would fit into the calendar, because it looks like it's going to be pretty hectic.

**Ms. Lisa MacLeod:** Well, it's only going to cost me nothing to travel to Ottawa.

**Mr. Bas Balkissoon:** But you didn't go last week.

**Ms. Lisa MacLeod:** Well, that's because I had committee.

**Mr. Bas Balkissoon:** You didn't go last week.

**Ms. Lisa MacLeod:** I had committee. Stop your pointing. Stop your pointing. You guys are picking on me. I had another committee. Social policy was in town.

**The Chair (Mr. Garfield Dunlop):** All right. Now, we have three questions along here.

**The Clerk of the Committee (Mr. Trevor Day):** No, they were saying yes to Chicago.

**The Chair (Mr. Garfield Dunlop):** Oh, okay. Mr. Bisson, do you have anything?

**Mr. Gilles Bisson:** No.

**The Chair (Mr. Garfield Dunlop):** Mr. Clark.

**Mr. Steve Clark:** I agree. I think it's very important for us to take those jurisdictions that Mr. Bisson spoke about, look at when they're sitting, and bring it back to us. I think if you're asking those five places, I agree, those are the five we should investigate.

**Mrs. Laura Albanese:** Which ones are the five? I've got Scotland, Saskatchewan, Alberta, Ottawa.

**The Clerk of the Committee (Mr. Trevor Day):** UK.

**The Clerk of the Assembly (Ms. Deborah Deller):** Westminster.

**Mr. Steve Clark:** And Westminster.

**The Chair (Mr. Garfield Dunlop):** So we've got sort of an understanding right now that we're going to get some—first of all, we haven't got the final approval, but if you're planning on maybe going to Chicago, you need to know that that's a certain date. You'll have to let the clerk know if it's at all possible. Then, finally, they're going to come up with some numbers and some times on the other jurisdictions.

What else would you like to discuss today?

**The Clerk of the Committee (Mr. Trevor Day):** I think we're good for today. I think as long as we know who's going, and once we're off the record I'll find out who's bringing guests—again, all tentative. We've got that, we've got some information to go back and get for the committee, and then we have some members that had to sort of make their way. So I think we're good for today.

**The Chair (Mr. Garfield Dunlop):** And we will have those schedules for next week for your caucus meetings.

**Mr. Bas Balkissoon:** Yes, before Tuesday.

**The Clerk of the Committee (Mr. Trevor Day):** Before Tuesday, they will go out. Oh, wait. The Clerk wants to say something.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sorry, it doesn't really have anything to do with the standing order—I was just wondering if we could run something by you so you can think about it. It has to do with pins and ribbons.

**Mr. Gilles Bisson:** Oh, good.

**The Clerk of the Assembly (Ms. Deborah Deller):** There was a discussion, I think, the last time about this business of having to get unanimous consent for pins and ribbons all the time. Maybe we could come up with a different process. It would not really require a standing order change, because currently it's based on Speakers' rulings that you have to get unanimous consent.

One of the things we were considering—Todd's taken a look at the multiple requests for the same unanimous consent, things like Childhood Cancer Awareness Month, World AIDS Day, those kinds of things that come up year after year at around the same time of the year. What we could do is something like, on those days, posting on those monitors out in the members' lobbies that today is Organ and Tissue Donation Awareness Day and whatever the ribbon is—the ribbons can be made available in the lobbies, as they usually are—and those ones that are posted would not require unanimous consent. That at least takes away from the UCs being required for the general ones that come up time and time again that are non-contentious.

**Mr. Gilles Bisson:** Let me take that. Can you give that and we'll bring it back to the House leaders?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, we'll give you the list—

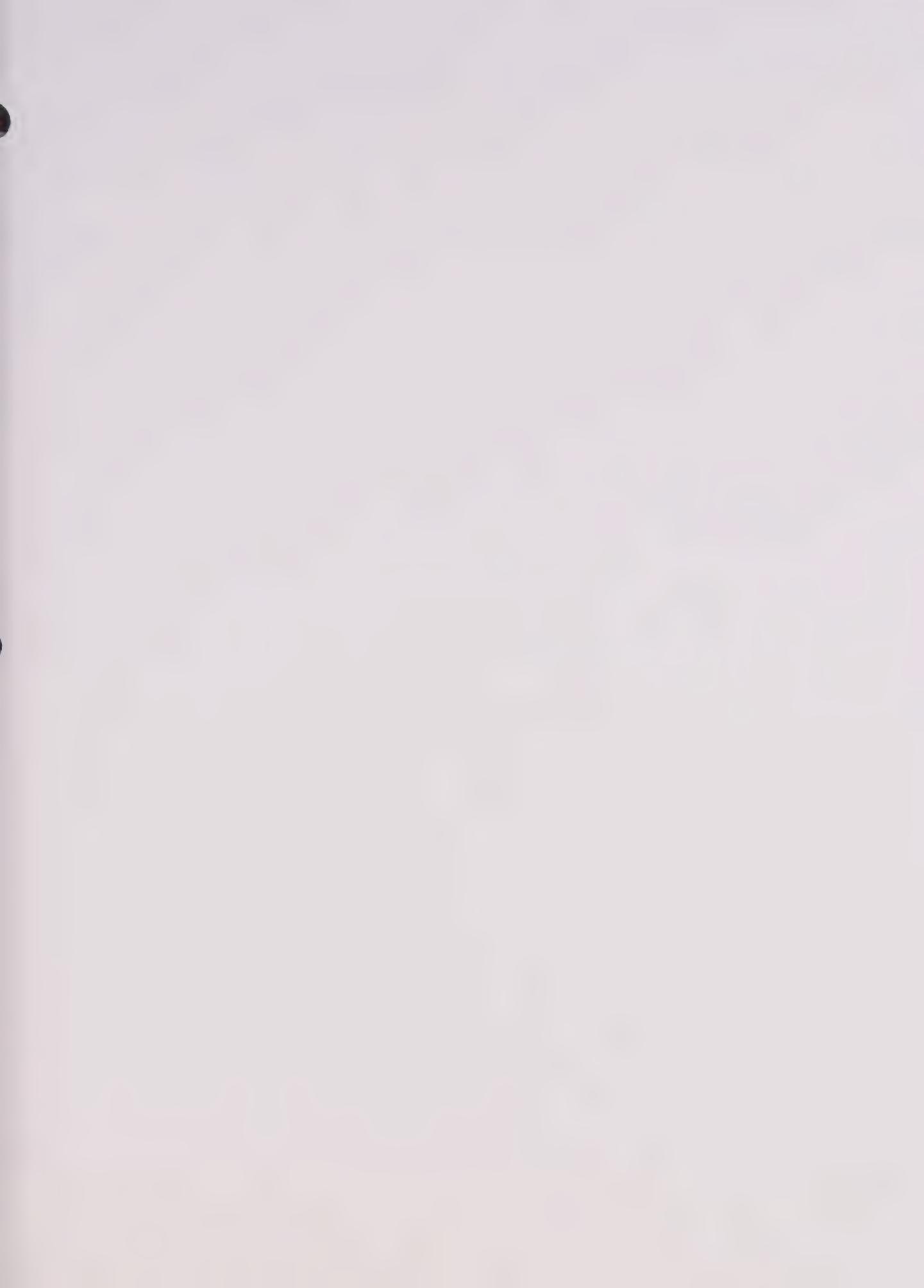
**Mr. Gilles Bisson:** Yes, give us the list because it is, quite frankly, one of our favourite subjects we like to talk to at House leaders'.

**The Clerk of the Assembly (Ms. Deborah Deller):** Oh. Okay, good.

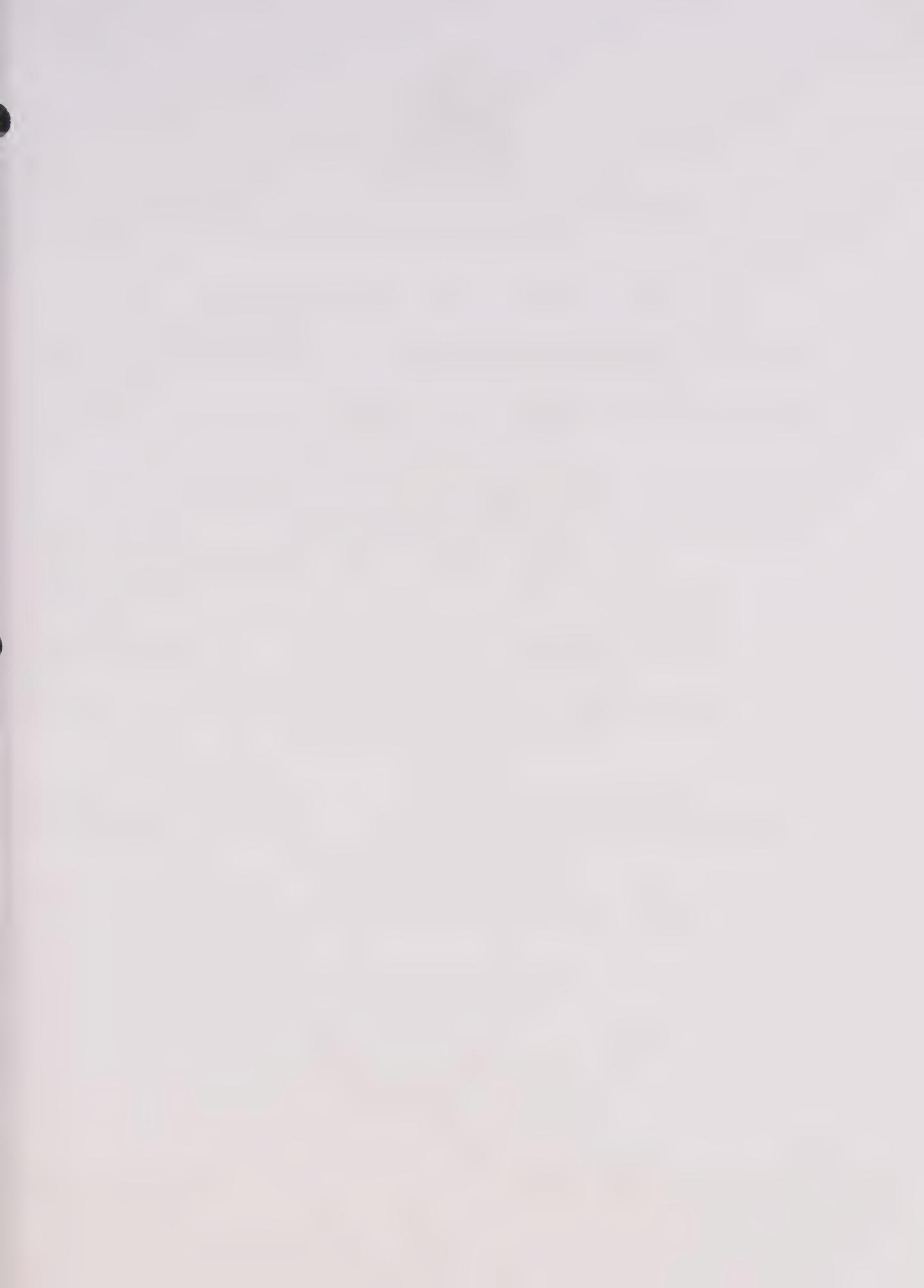
**The Chair (Mr. Garfield Dunlop):** Okay, members of the committee, is there anything else you'd like to add today? We'll have that information for you for your caucus meetings and then we'll be prepared for next week.

Okay, with that, no other business? The meeting is adjourned.

*The committee adjourned at 1416.*







## **CONTENTS**

Wednesday 30 May 2012

Standing orders review ..... M-157

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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M-12

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## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 6 June 2012

# Journal des débats (Hansard)

Mercredi 6 juin 2012

## Standing Committee on the Legislative Assembly

Standing orders review

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Examen du Règlement



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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 6 June 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 6 juin 2012

*The committee met at 1307 in room 228.*

## STANDING ORDERS REVIEW

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting to order. Is everyone okay with that? Welcome, everybody, on this beautiful day, to the Standing Committee on the Legislative Assembly. Mr. Clerk, I'll ask you to—

**Mr. Bas Balkissoon:** Chair, I had one complaint. I thought we were supposed to get this before Tuesday so I could bring it up with my caucus.

**The Chair (Mr. Garfield Dunlop):** Everybody got it.

**Mr. Bas Balkissoon:** No, I didn't get this.

**The Clerk of the Committee (Mr. Trevor Day):** It was emailed out.

**Mr. Bas Balkissoon:** I got this by email.

**The Clerk of the Committee (Mr. Trevor Day):** That was before. We can check to make sure everything is all right, but it was emailed out to members in advance.

**The Chair (Mr. Garfield Dunlop):** We made copies for all our caucus members yesterday, so—

**Mr. Bas Balkissoon:** Well, I didn't—

**The Clerk of the Committee (Mr. Trevor Day):** I'll look into it and make sure.

**Mr. Bas Balkissoon:** No, it's okay. I just want to say that we will not be able to finalize—

**The Chair (Mr. Garfield Dunlop):** We're going to have a little bit of discussion on that, some of the comments that we heard back and some of you folks—

**Mr. Bas Balkissoon:** And I wouldn't have been able to bring it up at caucus yesterday anyway because they recessed early to go to the Speaker's thing.

**The Chair (Mr. Garfield Dunlop):** Mr. Clark.

**Mr. Steve Clark:** Can I just ask a question? I was looking at committee Hansard, not from last week's meeting but from two weeks ago, and there was a reference made to a report that I thought we would have at the last meeting regarding a procedure for proclamations. I don't recall seeing that document last week.

**The Clerk of the Committee (Mr. Trevor Day):** I know we do have a paper on it—and I'll have to check whether it was distributed—on proclamations, sort of how they work. There was an item in the works with options for proclamations and, I guess, things for the committee to consider to see one way or the other how they wanted to deal with it. So I have seen something of

that nature; the question is whether or not it has been distributed to the members yet. But I should have an answer for you on that shortly.

**Mr. Steve Clark:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Okay, so, Mr. Clerk, how would you like me to proceed from this point on as far as the information we did receive, because obviously some of the folks haven't seen it.

**The Clerk of the Committee (Mr. Trevor Day):** The intent was for members of the committee to talk about the draft options on the weekly schedule that went out, any input they might have had from colleagues and such. Now, seeing them visually set up, that would be the initial discussion. Also handed out was options on committee work that we could move into after we talk about the weekly schedule.

**The Chair (Mr. Garfield Dunlop):** If I could, Steve, do you want to make a few comments? We did receive the three options. Would you like to make a comment from our caucus's perspective? We only talked about it for a couple of moments, but I thought it would be a good idea to—

**Mr. Steve Clark:** No, I think it is too, Chair. We did take it to our caucus yesterday, the documents that we had for the draft options. Surprisingly, there were a number of members who, both during the meeting and after, expressed questions on why did we change originally. Obviously, we have a number of new members in caucus, so there was a question on why we changed from the original afternoon question period model to the way we are today. Even afterward, there were some that I think—and I think some of the questions would be answered if we handed out the tab that we were given last week. I think it's tab 30, giving the pre-1986 schedule—pre-1986-89. I think some of that information would have been beneficial for our members. But that was some of the feedback.

The other feedback, Chair, to the members of the committee, we talked about some of those consensus items, things like the Speaker having the approval for a member who couldn't vote from their seat, and rather than asking for unanimous consent, have that procedure. The other item that we talked about briefly was the opportunity on an opposition day for that final closure, similar to a private member's bill, and I think we had general acceptance of that proposal as well. So that's just a brief update.

I did get other members asking me questions throughout the day after our procedure, because I was on House

duty. So there was a lot of discussion off-line with some ideas, and I assume that I'll continue to get suggestions from our members over the next week.

**The Chair (Mr. Garfield Dunlop):** I think one of the things I could also maybe add is that we did stress the fact—this is what I really agree with what Clerk Deller was mentioning. By not having routine proceedings along with question period I think we've lost a certain interest in Parliament because it stretches it out too far, and then there are times when there are statements or a tribute to a former member or ministers' statements. I think that, quite often, we don't have nearly the attendance in the House that we would like to see. That's why I personally liked what Mr. Bisson had put forward: having the three private members' bills on separate days and then having question period each day at 11 o'clock, with petitions etc. ahead of it. I liked that. I thought it would draw more interest in it. Some people may not be that interested in it, but I thought Ms. Deller made some good comments and good points on that.

**Mr. Bas Balkissoon:** Chair, if I could just add, Mr. Clark mentioned why we changed the last schedule. It was as a result of Lisa's request to be family-friendly. We used to meet until nine o'clock at night, I believe it was, and we would start in the afternoon. So, that's when we moved it to nine o'clock in the morning, finishing at six, so that we would be family-friendly. And just trying to piecemeal a schedule, that's how it ended up.

If I could just add, Chair, I don't have a problem with taking Mr. Bisson's option back to my caucus. It actually covers the debate hours that we have today, and that it stays in the future. The only question I would ask for some clarification on, and that Gilles may be able to provide us with, is: How would Thursday afternoons work? Because I know in the past a lot of the members in my caucus that have to stay on Thursday afternoons are people who are living within 50 clicks of Toronto—they've always had to stay. I really have difficulty figuring out how we would work out Thursday afternoons in a similar fashion in terms of our caucus, because it's just that the members we have to keep here—it may be problematic.

**The Chair (Mr. Garfield Dunlop):** Yes, and I think, depending on your House duty calendar with your own caucus members—

**Mr. Bas Balkissoon:** Yes, so of the three that you put in front of us, I would say that the only one I find that may be a possibility, and the one I'd rather take to my own caucus and discuss it at their next meeting, would be draft option number 2, because number 3, to me—the public is going to be confused there. You're changing routine proceedings in different places. You're changing oral questions to different places. I see that nobody is going to like that.

**The Chair (Mr. Garfield Dunlop):** I think I agree with you on that one.

**Mr. Bas Balkissoon:** So number 3, to me, is out of the question.

Number 2, you lose debate hours, so we would have to extend the House schedule to make up for it.

**Mr. Grant Crack:** Number 2 or number 1? Number 1.

**Mr. Bas Balkissoon:** Number 1 is eliminated, in my mind.

**Mr. Gilles Bisson:** Why is number 1 eliminated? Just so I'm clear.

**Mr. Bas Balkissoon:** Number 1 has two hours less for orders of the day.

**The Clerk of the Committee (Mr. Trevor Day):** I just want to point out there is time after private members' business or—

**Mr. Bas Balkissoon:** But again, we go back to the problem we have today.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. I'm just saying, there is additional time there.

**Mr. Bas Balkissoon:** If we call orders of the day and we need some northern members or out-of-town members here, we've got to keep them, and you're keeping them for the last hour or two of Thursday.

**The Chair (Mr. Garfield Dunlop):** Jeff had a comment, first, and then we'll go back to Gilles and Steve. Jeff?

**Mr. Jeff Leal:** Garfield, I just want to say, because of yesterday's schedule and the unveiling of the portrait, it was certainly Bas's and my intent to have a broad discussion yesterday. We just had kind of a preliminary go at this. In some discussions with my colleagues, certainly draft option 1—and, Mr. Chair, it goes back to something that you talked about just a minute ago. The framework presented, I think, would grab the attention more of the viewing public. As you know, you have presented private members' bills that have certain traction in your riding, so if you look at dealing with private members' bills on Tuesday, Wednesday, Thursday, there's a certain continuity to go to routine proceedings and then to oral questions and then to deferred votes. To me, this is a very workable, standard schedule on a day-to-day basis, and—

**The Chair (Mr. Garfield Dunlop):** You're talking about option 2 here?

**Mr. Jeff Leal:** Option 2. That's right.

**Interjection:** You said option 1.

**Mr. Jeff Leal:** I'm sorry, option 2. I think it would allow, knowing people who would look it up on websites, the parliamentary calendar, to provide a certain degree of engagement on the issue.

But just while I've got the floor, all members would have received the Canadian Parliamentary Review for summer 2012. There's some particularly good reading, and it's appropriate to what we're discussing. On page 9 there's "Prime Minister's Questions in the United Kingdom," and there's another great article further about "Re-examining the Estimates and Supply Process" by Kevin Page, who is the budget officer for the Canadian Parliament. I recommend these two articles for members to take a look at, because I think it's very germane to what we're talking about right now.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles and then Steve.

**Mr. Gilles Bisson:** Just a very quick question on option 1. My question is: The block that is 9 a.m. to 1 p.m. on Wednesday morning is great. I take it it's for caucus? Is that the purpose?

**The Clerk of the Committee (Mr. Trevor Day):** I believe when Ms. MacLeod put it forward, that was the intention.

**Mr. Gilles Bisson:** And when would cabinet meet in that spot?

**The Clerk of the Committee (Mr. Trevor Day):** I'm not sure.

**Mr. Gilles Bisson:** Okay. That answers my question.

Again, I just want to be clear for the record, just to Mr. Balkissoon, I made a proposal last week just based on a conversation. I have not caucused any of this; it's a blue-skying kind of thing, just so you guys know.

**Mr. Bas Balkissoon:** That's why we're saying. It may be workable.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** Thanks, Chair. I think there's a couple of points. I want to just comment on Mr. Leal, the member for Peterborough, and his discussion about the article on Prime Minister's question time. The one thing that is interesting about the UK model is the fact that the Prime Minister has a set day and that other ministers have set times where they would receive questions, which, again based on our model, would assist the particular ministers in not having to be prepared for every question period and not being briefed; that there would be a particular time where they could come and discuss their particular ministry, and the focus would be that ministry. I'm glad that he did bring that up, because I think that is a model, outside of the day, that would be very interesting to discuss from a cabinet perspective and also from an opposition perspective. You would still need to schedule some framework to deal with an emergent item, something that was of urgency that the House should deem to be part of question period. I do like that model, in terms of a discussion point.

In terms of draft option 1—this was the option that I was playing around with during question period today, between having to withdraw comments and coming to order. If you flip the orders of the day to the afternoon on Monday, Tuesday and Wednesday, it does give you an opportunity during the morning to have your caucus and your cabinet meeting.

1320

I still want to bring up a point that I believe was from Ms. MacLeod last week—the federal model, where they meet till 6:45. I wouldn't totally throw out the option to gain that extra 45 minutes on Monday, Tuesday and Wednesday, which may, depending on how it's scheduled, be able to provide what Mr. Bisson was speaking about, and that's not having an overly extended day on Thursday for some members from the north. So there is still an opportunity to modify draft option 1 to make—

**Mr. Gilles Bisson:** Or Ottawa or Windsor.

**Mr. Steve Clark:** Absolutely, or Windsor, or Brockville—to have your cabinet and your caucus meetings in

the morning on a Monday and Tuesday and have your orders of the day from 4 o'clock to 6:45 Monday, Tuesday and, for even that aspect, Wednesday. Then if you still wanted to have more orders of the day on Thursday morning, that was possible.

Again, I don't want to totally throw out draft option 1, but I do think there could be some modifications made to it to address some of the comments from our caucus.

**The Clerk of the Committee (Mr. Trevor Day):** What I'm clear on is, Monday, you'd take the orders of the day section currently from 9 till 12—

**Mr. Steve Clark:** And flip it from 4 to 6:45.

**The Clerk of the Committee (Mr. Trevor Day):** —and put that to 4 to 6:45.

**Mr. Steve Clark:** And do the same thing on Tuesday.

**The Clerk of the Committee (Mr. Trevor Day):** And the same thing on Tuesday.

**Mr. Bas Balkissoon:** But can I ask a question? We got rid of—

**Mr. Steve Clark:** Listen, I just did this through question period today. I haven't fleshed it all out here; it's just some scratches.

**Mr. Bas Balkissoon:** No, no. I'm saying we got rid of the Monday morning issue of having to be here at 9 because members were complaining that they had to come on Sunday night and give up their Sunday dinner with their family. You have to eliminate Monday morning. Otherwise, you'll make a lot of members unhappy.

**The Clerk of the Committee (Mr. Trevor Day):** He did.

**The Chair (Mr. Garfield Dunlop):** He flipped it to the afternoon.

**Mr. Bas Balkissoon:** But what's in the afternoon on Monday?

**Mr. Steve Clark:** Orders of the day, 4 to 6:45.

**The Clerk of the Committee (Mr. Trevor Day):** After private members' business that finishes at 4 o'clock.

**Mr. Bas Balkissoon:** But again, if you put orders of the day in the morning—

**The Clerk of the Committee (Mr. Trevor Day):** No, he's taken it from the morning and moving it to the afternoon.

**Mr. Steve Clark:** I'm saying flip it to the afternoon, from 4 p.m. to 6:45.

**Mr. Bas Balkissoon:** But what's in the afternoon now, the brown colour?

**The Chair (Mr. Garfield Dunlop):** Nothing.

**Mr. Steve Clark:** Nothing.

**Mr. Bas Balkissoon:** But then there's something wrong here, because you're just looking at eight hours a week for orders of the day.

**Interjection:** No.

**Mr. Bas Balkissoon:** If I count up all the blue, it's only eight hours: two, four, six, eight.

**Interjections.**

**Mr. Bas Balkissoon:** Oh, you're going to 12? Okay, but this is three and you're making it two. Do you want to work later?

**Mr. Steve Clark:** No, all I'm saying is—

**Mr. Bas Balkissoon:** We'll get back with the ladies that were arguing for a shorter day. That's all I'm saying. We went through this the last time, which was only two years ago.

**Mr. Steve Clark:** I'm just making a suggestion. I'm not saying that I'm going to have accolades all around. I'm just throwing out another option.

**The Chair (Mr. Garfield Dunlop):** We're not going to decide on this option today, because you haven't even caucused it yet. You'll have to go back and get the feeling of the caucus. What Steve was trying to say was that if this was his option, he could reverse those days.

**Mr. Bas Balkissoon:** But Chair, it would make more sense if we all had a general agreement on one or two, but to take three to my caucus? I'd have a six-hour meeting, because everybody will have their own ideas.

**The Chair (Mr. Garfield Dunlop):** Just take one to your caucus, then.

**Mr. Bas Balkissoon:** Well, that's what I'm saying. The only one in my mind that might be workable to take to my caucus and get their comments back to here is Mr. Bisson's suggestion. But let everybody else jump in.

**Mr. Steve Clark:** Decisions don't have to be unanimous. I'm just throwing out another suggestion.

**The Chair (Mr. Garfield Dunlop):** Jeff, you had a question?

**Mr. Jeff Leal:** Thanks, Garfield. Steve, if you could clarify something for me. That would push caucus to late Tuesday afternoon for everybody? Caucuses of all three parties would meet on late Tuesday afternoon in that brown space, and then cabinet would be meeting—

**Mr. Steve Clark:** I'm saying they could do it Tuesday morning. You could flip Monday and Tuesday to be identical, from 4 to 6:45 on Monday and Tuesday.

**The Chair (Mr. Garfield Dunlop):** See, we actually need another option here, because Steve's putting in one method, but what he's saying is another option to that.

**Mr. Steve Clark:** I just realized that one wasn't acceptable, and I was trying to have an option for question period in the morning for caucuses to look at and one for question period in the afternoon for caucuses to look at; and to be able to flip an afternoon caucus and cabinet meeting to a morning caucus and cabinet meeting.

**Mr. Jeff Leal:** Perfect. Thanks for clarifying that for me.

**Mr. Steve Clark:** And the expert appears.

**The Clerk of the Committee (Mr. Trevor Day):** We can actually do that and send it out so everyone can visually take a look at what you're proposing.

**The Chair (Mr. Garfield Dunlop):** Thanks, Trevor. We need you badly here right now.

**Mr. Steve Clark:** The more I talk, the more confused people get.

**Mr. Bas Balkissoon:** When you do that, Trevor, can you at least—rather than leave it grey and not saying anything on it, tell us what it is and when is caucus and when is cabinet, because—

**The Clerk of the Committee (Mr. Trevor Day):** I don't know when you'd have caucus. I'll show you—

**Mr. Bas Balkissoon:** No, no, but you've got to give the time slot.

**The Clerk of the Committee (Mr. Trevor Day):** I'll say it's "free time," and then you can decide what might fit in there.

**The Chair (Mr. Garfield Dunlop):** Make it free time.

**Mr. Bas Balkissoon:** Okay, that's right. Because I was looking at this grey area and I'm going, "What is it?" I'm trying to say, "Okay, well, I could put this here."

**The Chair (Mr. Garfield Dunlop):** That's when you don't have to be in—when the Speaker's not in the seat.

Trevor's just offered something else, to redo this one again, another option, and then to email it back out to you folks so you can caucus it again.

**Mr. Bas Balkissoon:** So we agree number 3 is out. Is that what you're saying?

**The Clerk of the Committee (Mr. Trevor Day):** It's up to the committee.

**Mr. Bas Balkissoon:** I think number 3 is going to be very confusing to the public.

**Mr. Steve Clark:** I think if we are going to present a couple of options, there should be some consistency day over day, or as much as possible. You can't have four different days.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. We're going to have a revised one—

**Mr. Bas Balkissoon:** A new revised one.

**Mr. Steve Clark:** And I'd like to meet with the Clerk to discuss options, because I want to make sure that there is adequate time for caucuses and for private members' business.

**The Clerk of the Committee (Mr. Trevor Day):** As it stands now, what we're looking at preliminarily is taking the orders of the day Mondays and Tuesdays on option 1 and dropping it down behind private members' business, with some adjustment.

**Mr. Steve Clark:** Yes, and again, Chair, I want to take an opportunity to meet with the Clerk at some point before the final schedule is given to caucus—

**The Chair (Mr. Garfield Dunlop):** And you can set that up when you're doing—okay. Is everyone okay with that? Are you clear on that? Gilles, is there a chance you can have these options caucused?

**Mr. Bas Balkissoon:** Can I point out an error on number one? If you look from 9 to 11, you have three slots, which is 9 to 10, 10 to 11 and 11 to 12.

**The Chair (Mr. Garfield Dunlop):** Yes, three hours.

**Mr. Bas Balkissoon:** So it's 9 to 12. But when you look at the bottom of the page, it says 4 to 5, 5 to 6 and then 6 to nothing. It gives the impression that, when you look at the grey colour, it's a three-hour time slot; it's really not. It's a two-hour. This is misleading when you just look at colours, also.

**The Chair (Mr. Garfield Dunlop):** Oh, yes. You know what? It actually should be 6 to 7 there. That would be 7 o'clock.

**Mr. Bas Balkissoon:** Exactly. That's why I originally said there were not enough hours.

**The Chair (Mr. Garfield Dunlop):** Yes, you're right. It's only a two-hour. That's actually—

**Mr. Bas Balkissoon:** From 4 to 5, 5 to 6.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Yes. That's if you wanted to go as far as 6:45 at night. That's what he's saying.

**Mr. Bas Balkissoon:** Put it in, because people are going to ask. If they don't see that—

**The Chair (Mr. Garfield Dunlop):** Well, you spotted it.

**Mr. Jonah Schein:** So are you proposing that we're going to go till 7?

**Mr. Bas Balkissoon:** I'm not.

**The Chair (Mr. Garfield Dunlop):** No.

*Interjections.*

**Mr. Bas Balkissoon:** Jonah, I'm just trying to clarify what it is I'm taking to my caucus.

**The Chair (Mr. Garfield Dunlop):** Grant wants to ask a question. Sorry, Grant has a question first.

**Mr. Grant Crack:** Thank you, Mr. Chair. I just wanted to indicate that it's great that we're looking at the different options here, but also the status quo should remain an option as well.

**The Chair (Mr. Garfield Dunlop):** Yes. You might as well do one for the status quo.

**The Clerk of the Committee (Mr. Trevor Day):** I think we have that in one of the previous drafts.

**The Chair (Mr. Garfield Dunlop):** We may do all this for nothing.

**Mr. Bas Balkissoon:** Send them out as a package. Send them as a package.

**The Chair (Mr. Garfield Dunlop):** Yes, Gilles.

**Mr. Gilles Bisson:** I don't want to point out the obvious, but there is one problem with all three schedules, including draft option 2. Currently, routine proceedings is 90 minutes, so this has to be redrafted, because you can't take 30 minutes out of routine proceedings.

1330

**The Clerk of the Assembly (Ms. Deborah Deller):** Which we did discuss when Trevor was putting together the various options that were floated around. If you take a look at the record, routine proceedings rarely takes 90 minutes. When it does, it's the occasions when the Speaker says, "I'm now required to end routine proceedings and move to orders of the day because the time has expired;" that's when you know that you've hit the 90-minute mark. You know yourself that that rarely ever happens.

But it is something to consider because if you add up all of the maximum time for everything in routine proceedings, an hour is not going to be enough. It's just that we rarely go the maximum time.

**Mr. Gilles Bisson:** Just curious: On average, we've been taking how long?

**The Clerk of the Assembly (Ms. Deborah Deller):** I think on average it's just under an hour.

**Mr. Gilles Bisson:** You see, my concern is, let's say I'm a mischievous government—I was waiting for you guys to bite on that one.

**Mr. Bas Balkissoon:** I think it's longer when you have ministerial statements.

**Mr. Gilles Bisson:** That's my point. You could end up with a whole bunch of ministerial statements, and you have no petitions.

**Mr. Bas Balkissoon:** Or some other statement for a particular occasion; it'll go beyond the hour.

**Mr. Gilles Bisson:** Yes. So that's the thing in all of this. It's a bit of the fly in the ointment. I do agree with Mr. Crack, who says we should put the original current schedule in there as well so that—

**Mr. Bas Balkissoon:** But I think when you brought up your point last week, you did make it clear that it should go to 12:30, not 12.

**Mr. Gilles Bisson:** Yes. But I want—

**Mr. Bas Balkissoon:** You did say that. I remember you saying that.

**Mr. Gilles Bisson:** Yes. And to be clear, as well, this is just me blue-skiing at this point. I haven't gone back to my caucus; I've not gone back to my leader. All of that stuff has got to be pretty—we've all got to go back and figure that out. But clearly, I think there's a sense that we probably can do something that's more workable.

**The Chair (Mr. Garfield Dunlop):** Steve.

**Mr. Steve Clark:** Just with the discussion that took place at our caucus, can we add the 1997 to 2009, as well? So we present four, just so—from our perspective, when we go back to our caucus, they're going to ask me anyway. So I'll present 1997 to 2009, post-2009, and then the two options that come out of this committee.

**Mr. Bas Balkissoon:** Which went to 9 o'clock at night.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Sometimes. Only when there were night sittings, yes.

**Mr. Bas Balkissoon:** It was quite a lot. I'm sorry, but I was a new member, and I'll tell you, it was painful.

**The Chair (Mr. Garfield Dunlop):** That's what they do to new members; they put them on night sittings.

**Mr. Bas Balkissoon:** The worst part is you started putting on the weight.

**The Chair (Mr. Garfield Dunlop):** Yes, Steve?

**Mr. Steve Clark:** The other issue, as the Clerk has said, is that if we do come to consensus, it could be on a provisional basis. We could try an option for a short period of time, or we could try two options for a short period of time. It's whatever we end up coming forward and presenting. That still exists as well, that we can ask for a couple of options over a specific period of time on a trial.

**The Chair (Mr. Garfield Dunlop):** So I guess what my concern is here, fellas, is next week will be our last in the session—our last committee meeting.

**Mr. Gilles Bisson:** Not necessarily.

**The Chair (Mr. Garfield Dunlop):** No, no. Hold on. I'm going to the next four days, though, and then I'm going on to what—

**Mr. Gilles Bisson:** This committee could meet on the 20th. It could.

**The Clerk of the Assembly (Ms. Deborah Deller):** Not in the afternoon.

**Mr. Gilles Bisson:** If we go on beyond 12.

**The Chair (Mr. Garfield Dunlop):** Okay, but we still have—besides that, though, we still have the programming—

**Mr. Bas Balkissoon:** You're being mischievous.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Guys, can I finish for a second, please? We've got to start doing something, and we've got to come up with—if you can at least take it to caucus and get some ideas on the options, at least. We do have the opportunity over the summer months, which we've got to determine, for an additional four days of meetings. Can we discuss that at that point?

**The Clerk of the Committee (Mr. Trevor Day):** The next meeting?

**The Chair (Mr. Garfield Dunlop):** No, no. During the summer meetings that are under the programming motion, these can be discussed at that?

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**The Chair (Mr. Garfield Dunlop):** Okay. So it would be nice, the next time we meet, after next week—because we're not expecting a final decision next week—that we come up with a consensus some time over those four meetings, because we will be meeting at least four times during the summer, according to the programming motion that was approved. Am I not right on that?

*Interjection:* Yes.

**The Chair (Mr. Garfield Dunlop):** Okay. Thank you.

**Mr. Gilles Bisson:** And more if we agree.

**The Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Gilles Bisson:** We can also meet beyond the four days if the subcommittee decides to meet by unanimous consent.

**The Chair (Mr. Garfield Dunlop):** Yes, beyond four. Anything else right now on the options?

**Mr. Bas Balkissoon:** Can you just recap what we will get on this, so I have a clear understanding? Are we going to get the current model?

**The Clerk of the Committee (Mr. Trevor Day):** You're going to get a copy of the 1997 to 2009; you're going to get a copy of the current model; Mr. Bisson's option 2 with a 90-minute routine proceedings; and Mr. Clark, after talking with him, will go over an option there with 90 minutes, and you'll get all four of them that you can discuss with your caucuses.

**Mr. Bas Balkissoon:** And you'll fix that timing problem?

**The Clerk of the Committee (Mr. Trevor Day):** I'm going to remove it completely.

**The Chair (Mr. Garfield Dunlop):** Yes, Jeff?

**Mr. Jeff Leal:** Trevor, when this all gets put together, in terms of packages, can we get some packages that we can take to our respective caucuses?

**The Clerk of the Committee (Mr. Trevor Day):** Generally we email them out to everybody.

**Mr. Jeff Leal:** Well, it might be helpful, because I'll probably be making the presentation. Mr. Balkissoon will be away next Tuesday, and I'm just one step beyond Jim Bradley, so it's kind of handy to have some copies that I can get.

**Mr. Bas Balkissoon:** Can we get it back tomorrow?

**Mr. Jeff Leal:** And if there's a PowerPoint to do on the screens in our caucus room, it would be helpful too.

**The Chair (Mr. Garfield Dunlop):** We made copies for everyone in our office. That's how we've done it. Yes, Gilles?

**Mr. Gilles Bisson:** I'm not bringing this back to caucus next week.

**Mr. Jeff Leal:** But I can take it to—

**Mr. Gilles Bisson:** You can do it if you want, but don't expect me to come back next week with decisions, because I'm trying to—

**Mr. Jeff Leal:** I wasn't anticipating that. I just want to get the discussion going.

**Mr. Gilles Bisson:** Yes, and that's fair. What I'm interested in doing is that once we start to hone in on what we're kind of looking at doing, that's the point when I want to go back to caucus, because this is shifting ground as we move, right?

**Mr. Jeff Leal:** That's why I want to start the discussion. It is shifting ground.

**The Chair (Mr. Garfield Dunlop):** So we're not expecting a decision next Wednesday, but we would like you to start caucusing it.

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just add one thing that you might consider when you're discussing the schedules? When we had night sittings, the night sittings were decided by motion. In other words, the government House leader could bring forward a motion that the House sit on one or four nights in any given week. We averaged out sitting two nights a week. What we replaced it with in 2009 was definite morning sittings. You might also consider, if you're going to maintain the same schedule, saying at the least that those morning meeting times could be treated the same way as the night sittings previously were. In other words, if they're required, then there's a motion for the House to meet at 9 a.m. And if—

**Mr. Bas Balkissoon:** I don't think my House leader would like that.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's just something to consider. It's just treating the morning sittings the exact same way that night sittings used to be dealt with, because the motion—

**Mr. Bas Balkissoon:** I would say, from the last review of the schedule, that my House leader will not be happy with that.

**Mr. Gilles Bisson:** Won't be happy with what?

**Mr. Bas Balkissoon:** The Clerk is suggesting that the morning sittings receive the same treatment as evening sittings prior to 2009, where it was done by notice.

**The Clerk of the Assembly (Ms. Deborah Deller):** What happened, Gilles, was that night sittings used to require a motion. So if the House was to sit at night, the

government House leader would bring in a non-debatable, non-amendable motion at motions to sit one night or four nights for any given period of time. When they replaced the night sittings with the morning sittings—we averaged out sitting two nights a week and replaced them with, effectively, originally four and now three mornings a week, definite. In other words, they're built into the schedule. We have to meet unless the government stands up and says, "We have no business," which is something a government is reluctant to do, too, which I understand. All I'm suggesting is that one of the things you might consider is that those morning meetings be treated the same way as night sittings used to be. In other words, you can sit in the morning as required on motion.

**Mr. Gilles Bisson:** Why would we want to do that, out of curiosity?

1340

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, what happened was that we ended up with more hours in 2009.

**Mr. Gilles Bisson:** Okay, I hear you.

**Mr. Bas Balkissoon:** Chair, if I could just comment, to be honest with you, the schedule we have today, I think we tried to accommodate a lot of the out-of-town members, the Toronto and GTA members. It gave us, as the GTA members, the opportunity to accept events in our ridings, so we could get back to them. The previous schedule, where you weren't sure which night you'll be here and which night you won't be here, left the Toronto members with no option but to say no to a lot of things. But then we were also stuck on Thursdays voting on stuff we didn't want to vote on. So it was a trade-off.

Personally, if I go back to my House leader to do what the Clerk is suggesting, I'll have a fight on my hands because I think the majority of members like the fixed schedule from 9 to 6. To accommodate what was being requested by most of the members in all caucuses, that they wanted the place to be family friendly and be more accommodating, the fixed schedule is way better.

**The Chair (Mr. Garfield Dunlop):** Well, we'll have to weigh that out with everyone's caucus decisions. We may not change anything in the end here.

**Mr. Bas Balkissoon:** But it would be an exercise well worth going through.

**The Chair (Mr. Garfield Dunlop):** Absolutely. So if we can try to get some time on your caucus agenda for that between the next two weeks' meetings, so we can get back to it in our meetings in the summer.

**Mr. Bas Balkissoon:** Well, it doesn't make sense me getting it done; Gilles has already said he won't.

**The Chair (Mr. Garfield Dunlop):** He's not coming with a final decision, just an opportunity to debate it.

**Mr. Gilles Bisson:** Our process is a bit different; that's what I'm trying to signal. You need to bring a recommendation and then from there is a discussion. I don't want to have a general discussion about rules in caucus; we'll be there for the next 15 days.

**The Chair (Mr. Garfield Dunlop):** We're going to move on now, committee, to tab 31. Did anyone have any

chance to review the comments on the committees, tab 31?

**Mr. Gilles Bisson:** If I'd brought my book with me, I'd be doing better.

**The Clerk of the Committee (Mr. Trevor Day):** It's underneath the yellow—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** I just wanted to comment on the last page first, the parliamentary officers committee. I want to thank the Clerk for providing it. I think it was an issue that I had brought forward in our brainstorming session at the start of this. I think it's very important that we do, as part of this committee's deliberations, engage the officers in that committee system. I think it's pretty important that we read that section and find some framework that makes sure the officers fit into our system, and it is lacking in the system right now.

**The Chair (Mr. Garfield Dunlop):** Okay. Have any members of the committee had a chance to go over this and make any comments on it? Yes, Jeff and then Gilles.

**Mr. Jeff Leal:** Steve, could you just take a moment to elaborate on your previous comment there, please?

**Mr. Steve Clark:** Well, I was a new member of this committee. I joined it after the state legislators conference. One of the things that I was surprised by once I started looking at it, and that I also consulted former member Sterling on, was to have some framework where, although they are separate officers of the Legislature—the fact that they should have a committee that reviews their operation and is a conduit to their reports that come forward. The Clerk, as part of this review, wanted to provide an overview once we got to committees, so that's why that section is here.

**The Acting Chair (Mr. Joe Dickson):** Any other comments at all? Grant, did you have a comment?

**Mr. Bas Balkissoon:** Grant has a question, so I'll let him ask it first.

**Mr. Grant Crack:** Great to see you in the chair, Mr. Dickson.

Just maybe to the Clerk, some clarification on the third paragraph, last line: "[T]his is especially so with the so-called policy field committees." I didn't really understand that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Where are we—

**Mr. Grant Crack:** The last line in the third paragraph, first page. I was confused as to what "so-called" means.

**The Clerk of the Assembly (Ms. Deborah Deller):** The phrase "so-called?"

**Mr. Grant Crack:** Yes; what does that mean?

**The Clerk of the Assembly (Ms. Deborah Deller):** Because it's a term that's loosely used—it's not a term that's officially attached to those committees; we refer to them as policy field committees. That's all it means.

**Mr. Grant Crack:** Thank you.

**Mr. Bas Balkissoon:** But if we could stick to the same paragraph, because I read it too and I'm just

looking for a comment. I'm struggling with why we're tackling committees, because as I say and I remind my colleagues, we're in government today, but tomorrow it could be somebody else and it could be one of the other two parties etc. We should all be very concerned about this.

In my opinion—and I could be wrong—the main thrust of committees is really to move government business. We're here to deal with government business on behalf of the public, because the government has been put in place by the public. If it is to discuss opportunities for the other members or the other parties in terms of bringing some business forward, to me we have those opportunities today. I'm still not convinced of what it is we're doing here.

**The Acting Chair (Mr. Joe Dickson):** Mr. Bisson.

**Mr. Gilles Bisson:** Well, I'm going to take the bait, something I should never do. The job of the committee is not just to pass government business; that's not what it's all about. The job of the committee is to give all committee members the ability to look at and to scrutinize bills that come before their committees, be it a government bill or an opposition bill, number one.

**Mr. Bas Balkissoon:** Yes, that's what I meant.

**Mr. Gilles Bisson:** Number two, as well, is that committees have certain abilities to be able to, on their own discretion, hold hearings and have meetings about reviewing agencies, for example, doing what we now call standing order 126, which is a review of a particular matter, as we're doing on general government. Committees are really a creation of the House to allow members to have some ability to be able to do their job as legislators, to scrutinize what's going on as far as bills and as far as reviewing policy areas of interest to committee members. That's the purpose of committees.

It's my view—and it may not be yours, and I accept that—that a robust committee system is not only good for the opposition, it's actually quite good for the government no matter who's on the government side. The difficulty we get into now is that governments write bills—and I've been a member of a government. I was a back-bencher, so I understand how it works. You sometimes get frustrated, even on the government side, because you're having to carry a government bill that, quite frankly, you may want to have a little bit more discussion on. You may want to go back to your caucus and have a discussion about amending etc. It's very difficult to do that if the powers of the committee are somewhat constrained. The best bills I've seen come through this House are when the committees have been non-partisan and actually looked at the issue.

For example, one of the things that I would like to be able to do is what we used to call the white papers. A good example of that was the mental health reforms, addictions and mental health. The government said, "There's a problem. How do we face this problem? How do we respond to it?" And they charged a committee with looking at the issue in depth. The committee did some bloody excellent work—pardon the language—with

really strong recommendations that were supported by all parties, and it allowed the government then to cherry-pick out of those recommendations what it is it may want to do as a response to that particular issue.

The reason—

*Interjection.*

**Mr. Gilles Bisson:** I'm almost done—why I think it's important that we look at making some changes to committee is to allow that robust committee structure—because we actually have a pretty good committee structure in Ontario, compared to other places. It's not throwing out the baby with the bathwater. But we could do a couple of tweaks that would actually allow the committees to do some work, that allow us to look at things in a way that allows us to move forward with doing some of the things that I talked about.

1350

**Mr. Bas Balkissoon:** Okay, I hear you, but I look at the standing orders; those opportunities exist today. Unless you can deconstruct the standing order and tell me what is the problem—

**Mr. Gilles Bisson:** Here's the problem: We used to have standing order 111, I think it was, which is now 126. I forget what it was—123?

*Interjection.*

**Mr. Gilles Bisson:** Yes. So standing order 126 used to be standing order 123, and it said that any member during the session can ask for an item to be reviewed at a committee, and it would happen. That was just the right of the member, under 123, essentially.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think it was any member of the subcommittee.

**Mr. Gilles Bisson:** Yes, any member of the subcommittee, but the point is, each caucus got an opportunity to say, "You know what? I want to look at mental health and addictions."

A good example was Dianne Poole, when we were in government, who wanted to look at daycare policy at a time that the government had decided to move completely in the non-profit direction. Dianne Poole of the Liberals said, "No, we need to have a mixed system." So she was allowed as a member, under standing order 123, to bring to committee a discussion and hearings on why it should be a mixed system and not just a not-for-profit system. I think that was a legitimate thing for her to do.

**Mr. Bas Balkissoon:** What's the barrier today?

**Mr. Gilles Bisson:** We changed the standing orders so that you need a two-thirds majority now, under 126, to make that happen. So I would argue that you need to give some limited ability for members, be it of the opposition or government, to do things independent of what is a government order.

**Mr. Bas Balkissoon:** So you want to change 126 back to the old 123.

**Mr. Gilles Bisson:** That's one thing. The other thing is when the committees meet. For example, estimates never really gets through its estimates. I think the estimates committee, properly done, actually can do some

very good work and assist in providing scrutiny in how we spend money in ministries and how we develop—not develop policies, but how the policies are working. We very seldom get through all of our estimates. Why? Because we have limited time. Should we change the standing orders to say that there is a better ability for committees to be able to meet during the intersession to deal with actually doing the estimates of the government, or the same with any other matter? I would argue at the call of the Chair, and you'll probably argue, as the government, something different than that, but I think somewhere in between there's got to be a way so that committees have the proper amount of time to do the work that they should be doing. So there's a number of issues like that which I think are important from the perspective of recognizing the importance of what we have to do in this place.

The last part is, and which has always been my big bugaboo—I'll raise it under committees because that is where it would happen—this whole idea of delegating our authority as legislators to the executive council is absolutely nuts. Essentially, every time we draft legislation, we give the executive the chance to change anything they want without ever having to come back to the Legislature. An example is, I decide to make a piece of legislation as a New Democrat that says, "The wall is green," and all of a sudden the Tories or Liberals come to power and say, "By regulation and without any debate, I'm going to take the wall, rip it apart and make it something else."

**Mr. Bas Balkissoon:** Let me ask you a truly honest question: Do you think whatever we as a committee here make as a suggestion will go any place—for that last issue that you raised.

**Mr. Gilles Bisson:** Well, I think what it does is two things. One is to raise the discussion and debate, because these matters only get resolved when they become part of the debate and discussion of this place. But I think there are things that we're going to be able to agree on as three parties that make some sense. Maybe all of what I want won't be agreed to by all parties, but I think some of what we're talking about can be.

**Mr. Bas Balkissoon:** But I think the stuff that you're talking about, the executive council—the powers and regulations or whatever—probably would be better negotiated between the three House leaders and the leaders of the parties, saying that we're taking the government in the wrong direction. I think us guys here at committee—

**Mr. Gilles Bisson:** No, no, no. It's the job of the Legislative Assembly committee to look at the rules and the functioning of the House. My argument would be, we are delegating our authority as legislators to an unelected group of people, and I think that's dangerous. The minute that we allow people to make decisions and recommendations that can be enacted by an order in council, I think it's a bit of a slippery slope, to be blunt.

**The Chair (Mr. Garfield Dunlop):** Steve, you had a comment too.

**Mr. Steve Clark:** I just wanted to talk about what Gilles said regarding—and the report on the Standing

Committee on Estimates was excellent, showing the fact that we've had so much time that wasn't allotted. I think we should spend some time on that whole estimates process, maybe not this session or this meeting time, but at some other point, just to deal with that.

Gilles makes a very good point about the committee's ability to discuss an issue. I think we should try, under this process, to strengthen the individual member on the committee. I think someone at this table, maybe it was Gilles or maybe it was the Clerk, talked about having people on these committees with a little more expertise. I think it would be important to try to free up that opportunity so that committees could discuss, as they could under previous standing order 123, something without that two-thirds requirement at the subcommittee.

I hear what Mr. Bisson said on the other aspect, and I remember being on general government with Mr. Hillier, talking about items like forest tenure and the Far North Act and the fact that those pieces of legislation, which I felt were very controversial in the north—we as members delegated the authority for our report once, for example, those models for forest tenure were finished so that it wouldn't come back to a committee; it would go back to the minister. So we as individual members never had that opportunity to have that debate on whether that original bill was appropriate or if, moving forward, we should change it.

I do understand Mr. Bisson's point. I do think that if there is some way we as a committee can recommend to help strengthen our own powers as individual MPPs, it would be great. I think that would be a very fruitful discussion to have.

But in terms of this report, there are some things, like estimates, that I think we should discuss and debate and decide whether we should devote time outside of the normal sitting time when the Legislature is here to deal with those types of issues. I think you'd get general acceptance from the three parties.

**The Chair (Mr. Garfield Dunlop):** Yes, Jeff.

**Mr. Jeff Leal:** Just on estimates, I think the point was made maybe a couple of weeks ago about whether the minister of the day should come at the end of the estimates, after all the legwork has been done. You have committee members who have a very detailed knowledge of the particular ministry that's being examined, and then the minister comes in, as I said, at the end, at a latter part of the process in order to have a much broader discussion. It seems to me—this is no disrespect to anybody. I've subbed a couple of times in estimates, and it really is—with the minister there and the minister defers to the deputy minister or the assistant deputy minister, it may be a better process to have all that work done first, and then the minister of the day comes in towards the end of the process. That's just my observation.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** I hear what you're saying as far as the minister's presentation, but certainly I would want the minister to be present during the estimates, right? It stands to reason. I remember a good story by Alan Pope,

a former Minister of Natural Resources. He was always proud to tell me this story. I think he was one of the first ministers—I don't know if he was the first minister, but he had a habit of carrying his entire estimates, being there, essentially answering for what his ministry was doing, and he only referred to his staff if he needed to know something. There are some ministers who have done that since. I think we should leave them the option.

**The Chair (Mr. Garfield Dunlop):** Members of the committee, on tab 31 and committees, would you like us to walk through it, or do you want to look at the options?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Bas Balkissoon:** What do you want to walk through?

**The Chair (Mr. Garfield Dunlop):** No, no—the clerk is willing to do it.

**The Clerk of the Committee (Mr. Trevor Day):** There are options throughout this document, the committees. Is there a need for any clarification on some of the options? Would you like some explanation on rationale?

**Mr. Bas Balkissoon:** If I could just throw something out that we should probably talk about, because this is something Steve raised—and I think he came to the previous committee when I was Chair. He wants access to more technology and whatever to help us. That sort of goes hand in hand with committee work also, which was web streaming etc. The thing is, in here, we talk about technology, and we want to look at enhancing it, but we're also saying we should encourage more travel, so it doesn't—where do you strike the balance so that you can manage that process well and the taxpayer gets value for his dollar? That's an issue I think we need to sit and talk about. I just throw that out.

1400

**Mr. Steve Clark:** I agree. Chair, through you, I think it is valuable for us to have a discussion about technology and committees. I think it's something that we're sadly lacking compared to other Legislatures and groups like, for example, the Senate. Their committees are far more—while I don't expect that we would spend the money that the Senate spends to have translation and technology all over, I think there is a discussion that we should have with broadcast services about what we do need to have to provide technology in this building. Then, moving forward, as a second component, if there are hearings on the road, while it may not be appropriate to stream them live, we should at some point have a policy on archiving some of those committees.

I go to other legislative sites and see a wide variety of archived committees, and I guess I just have to question why they seem to have the bandwidth and we don't. Some of those other Legislatures that do provide that option online still have carriage by satellite companies. So, again, it's a question for us. We seem to be lacking in both cases. I think we have to make up for it somewhere. If we can do it online and have a streaming committee, as much as possible, that should be just for simple access. That's what we should do.

**The Chair (Mr. Garfield Dunlop):** And you're talking about video conferencing and all that sort of thing—

**Mr. Bas Balkissoon:** Video conference and teleconference—

**Mr. Steve Clark:** I found out, as part of the—was it the forest tenure, Gilles? You were on that at the time. Room 151 has all the technology today. Every committee—if we could schedule committees to meet in that room, those hearings could be streamed live. So if we've got the technology in one room, first of all, why aren't we using it? Secondly—

**Mr. Bas Balkissoon:** But my concern, too, is that—if we commit to spend the money, and everybody agrees, then the reason to travel would be less, and we'd be saving taxpayers' money. The other thing that is added in this particular option to—

**Mr. Gilles Bisson:** Sorry, I didn't hear you. Say that last part again.

**Mr. Bas Balkissoon:** If technology is available that we could engage the broader community more often, then the reason for travelling, to me, should be reduced.

**The Chair (Mr. Garfield Dunlop):** Okay, Gilles?

**Mr. Bas Balkissoon:** Let me just add the second point—

**The Chair (Mr. Garfield Dunlop):** I'll let him finish up here, and then it will go to you, Gilles.

**Mr. Bas Balkissoon:** The second point—

**Mr. Gilles Bisson:** Point of order.

**The Chair (Mr. Garfield Dunlop):** All right, point of order.

**Mr. Gilles Bisson:** I vehemently disagree with that.

**Mr. Bas Balkissoon:** That's why we're here. The other thing, Chair, is that in reading parts of this—I will repeat what I said in the past: We're talking about giving committees more work, but we're not talking about reducing the House schedule to accommodate the time. We need to have a serious discussion. If yes, people want more committee work, then we'll have to figure out how to reduce the House schedule to accommodate it. This one has an option about committees meeting the week before the rest week, but it doesn't say where you make up the debate times.

**The Chair (Mr. Garfield Dunlop):** Okay. So just to summarize what you're saying here, you're saying you want to do more travelling?

**Mr. Bas Balkissoon:** No, I'm saying—

**The Chair (Mr. Garfield Dunlop):** You want to have more committee time and utilize—

**Mr. Bas Balkissoon:** No. Somebody is recommending more committee time here as an option. To me, the only way you're going to accommodate it is that you have to reduce the House schedule. I'm hearing my colleagues also saying they don't want to reduce their House schedule. If you look at this option, which is at the bottom of the second page, to accommodate travel but still have question period makes no sense. How could members travel and you have question period at the same time?

**The Chair (Mr. Garfield Dunlop):** Okay. Point well taken. Go ahead.

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just clarify something with respect to these documents that we're providing you with? The intent, as we talked about in one of those early meetings, was that—the committee was asking for some help to kind of just focus the discussions. These are not intended to be recommendations. They are options for you to consider and points of discussion. There really are no recommendations here; there are just some options. Most of what is in here we gleaned from the previous discussions of the committee and put them down. It doesn't mean that we're saying this is what you should do or this is the verbiage.

**Mr. Bas Balkissoon:** I don't disagree with you. What I'm saying is, for us to discuss any issue, it comes right back to the schedule. You have to put a schedule to accompany it before it will make any sense for a debate.

**The Chair (Mr. Garfield Dunlop):** I think we're doing something fairly unique this summer. The programming motion, I think, allows the committees to do quite a bit of extra work over the summer months. So this isn't really impacting anything to do with the House calendar.

**Mr. Bas Balkissoon:** But if you read this, it stops at the constituency week.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Bas Balkissoon:** When I read that without a schedule—

**The Chair (Mr. Garfield Dunlop):** So what we're saying here is, you disagree with that, and that's a key point you're making.

**Mr. Bas Balkissoon:** I don't disagree with it until I see the House schedule accommodating this request, because you either have to extend the House schedule or you reduce the number of hours of debate, and it's not there.

**The Chair (Mr. Garfield Dunlop):** So I guess the question is, which would you rather have happen?

**Mr. Bas Balkissoon:** No, I just want something to take back to my colleagues so I know what it is we're—

**The Chair (Mr. Garfield Dunlop):** Okay. How do the members feel about this?

**Mr. Steve Clark:** What's that?

**Mr. Bas Balkissoon:** It's the option on the bottom of page 2, you know—

**Mr. Gilles Bisson:** On the bottom of page 2?

**Mr. Bas Balkissoon:** Yes.

**Mr. Gilles Bisson:** The one that says that the meetings scheduled in the House should be adjusted so that greater—that one?

**Mr. Bas Balkissoon:** Yes. But the last sentence on that page says that this would provide an excellent opportunity for committees to travel. You can't travel if you're here.

**Mr. Gilles Bisson:** I agree that the committees should not be travelling when the House sits. I think we agree on that.

**Mr. Bas Balkissoon:** Right. So if you want to travel and there's another place—somewhere I read it—that we could do committee work the week before constituency week, if you're going to do that, then you've got to extend the House schedule.

**Mr. Gilles Bisson:** I think, to repeat what the Clerk is saying, these are just recommendations. I think we can all sort of get our heads around these recommendations, and there may be something in one recommendation where it's an idea that morphs into something else, and we get whatever.

I think there are a couple of constants. I agree with Mr. Balkissoon there should not be committee travel at a time when the House sits. That's kind of what I've always operated under. I don't know how others feel.

I think where we may agree or disagree is that we need to look at the ability of committees to have a little bit more flexibility on their own, to sit when the House is not in session.

**Mr. Bas Balkissoon:** I've made note that that's your interest. All I'm saying is, this other one to increase committee work, you've got to look at it with the schedule. You can't look at it on its own.

**The Chair (Mr. Garfield Dunlop):** Are there any other thoughts on the committee, these options here, and this report?

**Mr. Steve Clark:** I guess it's just a question to the other members, if they have an opinion: Do you agree with having a dedicated committee for the House—for the officers?

**Mr. Bas Balkissoon:** Sorry?

**Mr. Steve Clark:** That was the last page. I haven't heard anybody say yea or nay, other than me, on the parliamentary officers committee. Right now, we only have two of them that even have a remote relationship with the committees. I guess I'm just asking, does anyone feel that the other officers should be integrated into a committee system, like I do?

**Mr. Bas Balkissoon:** I kind of read that and I think—you know, I sort of agree, but the situation here is that we need to look at it in terms of the other standing committees and do we have the membership to put on there. And the meeting times, again, with the schedule.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles, did you have a comment?

**Mr. Gilles Bisson:** Yes. Boy, there are so many things happening at the same time. Death to BlackBerrys.

There was something really important I wanted to say and I forgot what it is. What was your last point, Mr. Balkissoon? It was on that.

**Mr. Bas Balkissoon:** The issue was the seven officers, that there are only two—

**Mr. Gilles Bisson:** Oh, yes, yes.

**Mr. Bas Balkissoon:** There are only two that report to committee now—

**Mr. Gilles Bisson:** Oh, yes. That's why I put up my hand.

**Mr. Bas Balkissoon:** I mean, to add the others.

**Mr. Gilles Bisson:** But you can call parliamentary officers before committee now. The Ombudsman can be called—

1410

**The Clerk of the Assembly (Ms. Deborah Deller):** Only the Ombudsman. Under the standing orders, the Ombudsman has a reporting relationship with this committee.

**Mr. Gilles Bisson:** But my point is, we don't even do that where we have the authority, which raises the question: Why don't we?

**Mr. Bas Balkissoon:** Doesn't the Chief Electoral Officer bring his report here too?

*Interjection.*

**Mr. Bas Balkissoon:** I thought he did.

**Mr. Gilles Bisson:** No, no, The only ones we can call, as far as I know, are the Ombudsman and the Auditor, because he has a relationship with public accounts, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** The elections officer—you're thinking about when this committee was considering amendments to the Election Act.

**Mr. Bas Balkissoon:** So that was directed by the Legislature?

**The Clerk of the Assembly (Ms. Deborah Deller):** The Chief Election Officer was here as a witness for those hearings.

**Mr. Gilles Bisson:** It's an interesting idea, that we give some committee the ability to call any of these officers before committee where we have a need to do so. I don't think it hurts to do that. I just muse and ask the question. When I first got elected here, the Ombudsman used to appear regularly. That was actually an Ombudsman committee

**The Clerk of the Assembly (Ms. Deborah Deller):** Because we had an Ombudsman committee.

**Mr. Gilles Bisson:** That's right. That's what it was.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think that's the point. This—

**Mr. Gilles Bisson:** Roberta—

**The Clerk of the Assembly (Ms. Deborah Deller):** Jamieson.

**Mr. Gilles Bisson:** Jamieson; that's right.

**The Clerk of the Assembly (Ms. Deborah Deller):** This committee has other priorities.

**Mr. Gilles Bisson:** And this is the issue, maybe, right? My point is, when we had the Ombudsman committee, Roberta Jamieson, then the Ombudsman, used to be constantly before the committee. There was actually a good relationship between the Legislature and the Ombudsman on a number of issues. The government, being us, was never thrilled about what she was doing, but it worked fairly well. Maybe the lesson to be learned here is, you do need to have a committee that only does that, because if you have other stuff before it, it tends to get lost in the shuffle and you lose the habit of doing so. And as you get new members in the House, nobody knows you can do it, so you don't do it.

**Mr. Steve Clark:** My point is, why two and not seven?

**Mr. Gilles Bisson:** That's a good point.

**Mr. Bas Balkissoon:** I don't have a problem whether it's two or seven, but again, I go back to a little bit of history. When this used to happen, you had a shorter House schedule. I love all these ideas that you're talking about, but to accommodate that in our work schedule is difficult. Are we seriously about looking at the House schedule, because I know some members have said, "No, the House schedule remains the way it is." If the House schedule remains the way it is, we cannot accommodate this workload.

**The Chair (Mr. Garfield Dunlop):** But you're talking about the whole calendar.

**Mr. Bas Balkissoon:** Yes. If everybody's willing to debate the whole calendar and reduce it to add all of these functions, I don't have a problem debating that and taking it back to my caucus. Because that's the only way it'll make sense.

**The Chair (Mr. Garfield Dunlop):** So what is the feeling on that? Down to the right length of time, or what would you—

**Mr. Gilles Bisson:** Sorry, what did you say, Bas? I'm sorry, I was trying to figure something out.

**Mr. Bas Balkissoon:** I don't have a problem one way or the another about dealing with this parliamentary officers' committee. But when you had what you had way back when, you had a shorter schedule—the whole calendar.

**Mr. Gilles Bisson:** Not really. No, it wasn't a shorter—

**Mr. Bas Balkissoon:** It had to be. You can't accommodate all of this—

**Mr. Gilles Bisson:** Sure we did.

**Mr. Bas Balkissoon:** I can't see it working. To be honest with you, you'll have to—

**Mr. Gilles Bisson:** But it did. We do it with public accounts. The auditor is constantly at public accounts. It's part of the culture of the Legislature.

Normally—and all kidding aside—public accounts is probably the model of the relationship that could be established between a parliamentary officer and the Legislature, because it has been generally a pretty non-partisan committee. This Ornge thing is a little bit different, but, man, even the government in a majority was doing things under us—the Tories and you—to allow the committee to do what it had to do in public accounts. It was the same with the Ombudsman.

**Mr. Bas Balkissoon:** But my point is, if you bring these other officers into a committee, you'll have to have the time in the calendar for the committees to meet, do its business with these officers and report back to the House.

**Mr. Gilles Bisson:** But only if the members decide to call that officer to the committee.

**Mr. Bas Balkissoon:** No, I think Steve is looking that they should be coming to the committee maybe three or four times a year for updates or whatever.

**Mr. Steve Clark:** I haven't decided on what the frequency is, but I think we need to have the framework where they can appear.

**Mr. Gilles Bisson:** The other thing is that agency reviews is another good example.

**Mr. Bas Balkissoon:** That's the other one that's in here.

**Mr. Gilles Bisson:** I'm just saying that we used to, as a matter of course, do agency reviews far more than we do now. We only started now again because we're in a minority Parliament. But again, it's very good work that a committee can do to take a look at an agency and ask some really basic questions about what they're doing, reporting back to the House on how they can do it better.

So I don't see it as there's not enough time, if we do these things, to deal with government business. The government business will always be done, even in a minority Parliament.

The reality is that part of the function of a Legislature is not just to deal with legislation but to also deal with the running of this place and its parliamentary officers and the agencies of the government. It's what we've always done.

*Interjections.*

**Mr. Bas Balkissoon:** I see it being difficult, but until I see it—

**Mr. Gilles Bisson:** We used to do it.

**The Chair (Mr. Garfield Dunlop):** Steve, you've got a question?

**Mr. Steve Clark:** No, I agree. We need to talk about this.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Can I just hearken back to a point that the Clerk made maybe four meetings ago? The problem we're having now is—and I hate to do it this way, but we're having a discussion with people who grew up in different cultures. I don't mean that in a cultural "I'm French, and you're East"—I'm sorry; I don't know. I've never asked.

**Mr. Bas Balkissoon:** I'm a little bit of everything.

**Mr. Gilles Bisson:** Okay. I don't know if you're East Indian or—

**Mr. Bas Balkissoon:** I'm from the Caribbean.

**Mr. Gilles Bisson:** Trinidadian?

**Mr. Bas Balkissoon:** Caribbean.

**Mr. Gilles Bisson:** That's how bad I am.

**Mr. Bas Balkissoon:** We like to party a lot.

**Mr. Gilles Bisson:** My point is, I came to this place when there was a congeniality between members—

**Mr. Bas Balkissoon:** Right.

**Mr. Gilles Bisson:** —and we didn't debate everything in the House. When I came here, there was no time allocation, and any member could stand up in the House and talk on a bill until the cows came home. Very seldom did that happen, but it happened from time to time. I remember Mr. Bradley doing it when I was here—

**The Clerk of the Assembly (Ms. Deborah Deller):** Mr. Kormos.

**Mr. Gilles Bisson:** Mr. Kormos—my God, he did it overnight one night. But it was not a tool that was used very often by the opposition. My point is, there was a time when the House operated very differently because of the culture of the way the House worked.

Part of the problem we're having with this conversation—and I don't mean this in an old-guy-versus-young-guy way—is that all of you have come to this House at a time when it has been quite different. You've come to this House when everything has been under time allocation. You've never seen anything but time allocation, which means to say that our committees all run differently.

Back in the day, prior to the introduction of time allocation by some guy by the name of Bob Rae, I think his name was, the House used to have the ultimate ability to conduct its own business. The opposition could hold anything up as long as they wanted, but seldom did it, because the House leaders would then sit down and say—"All right," said the government, "I'm really interested in these three bills this fall. That's the only bloody thing I want passed at second reading, and I want to know we're going to get some committee work done this spring and in the winter." The opposition would say, "Okay, and in exchange for that, I want X, Y or Z. I want an agency review on the ONR. I want the whatever, whatever, whatever." What happened is that the House leaders and the members worked in a much more congenial way of moving that agenda through the House.

The bottling up of committees didn't exist when we didn't have time allocation because we worked it all out. Now the problem is, everything gets time-allocated, except in a minority Parliament, and now it's like, well, how are you ever going to make all this work?

We didn't send half of this stuff to committee. We often used committee of the whole. We'd take a bill—I remember there was an agricultural bill; I forget which one it was. There was a whole bunch of bills we used to send to committee of the whole when I first got here. They never went to committee, because they didn't need to. A House leader would say, "Well, you know what? There are no stakeholders interested in talking to it. The only thing we need to do is a couple of amendments." So we'd send it into COW, we'd do the amendments, and we'd send it into third reading. Half of the time, we didn't even have a debate at third reading.

**The Clerk of the Assembly (Ms. Deborah Deller):** Most of the time.

**Mr. Gilles Bisson:** Most of the time. We never used to have debates at third reading. My point is, the time allocation thing has really mucked up how this place works. I guess that's the difference here. It's all Bob Rae's fault.

**Mr. Bas Balkissoon:** Hold on. But also, a place functions based—

**Mr. Gilles Bisson:** Then it was Michael Harris, and after that it was you guys—did even worse.

**Mr. Bas Balkissoon:** A place functions based on personalities and a culture. I can't see you putting it in

writing in a standing order, and you will force the cultural change or the behavioural change.

**Mr. Gilles Bisson:** Yes, you do, and I'll tell you why—

**Mr. Bas Balkissoon:** I honestly don't believe it will work.

**Mr. Gilles Bisson:** —because you're now living it. Remember, this House has decided, by unanimous consent last week, to figure out how we're going to order the business of this House for this spring. How was that done? It was done because the House leaders had to sit down and work out an agreement, because we're in a minority Parliament.

It sets, in my view, what's possibly going to happen this fall. The government can't get everything it wants. They can't time-allocate, because I'm never going to let you time-allocate anything, as an opposition member. Put that on the record. So guess what? We're going to have to sit down, and we're going to have to say, "What are we going to do for the first four weeks we come back this fall?" Well, maybe we have another unanimous consent motion and we agree, in the opposition, that we don't want to debate this, we don't want to debate that, we don't need this in committee, maybe we want that in committee. That's how the House should operate.

1420

If anything, as you go through this minority Parliament, I think you're going to start having faith that members can actually make this place work. The best thing we can do, out of this committee, would be to get rid of time allocation. If you did that, I can guarantee you this place will change and the government will get business through the House far more than they do now. Ask the Clerk. We used to get more business done outside of time allocation—without—than we do now.

**The Chair (Mr. Garfield Dunlop):** Well, we're moving right along here.

**Mr. Gilles Bisson:** I want to hear the Clerk on this. I really want to hear the Clerk.

*Interjections.*

**Mr. Gilles Bisson:** No, no, seriously. I want the Clerk to comment on this, please.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm not sure I want to wade into this.

**Mr. Gilles Bisson:** Please do, Clerk. Come on. I'm goading you.

**The Chair (Mr. Garfield Dunlop):** Any more comments on the tab 31 reports or any more explanation needed or ideas around it? Or do you want to come back with more suggestions on it? These are kind of healthy conversations, yet we're not getting a lot of recommendations coming back. Yes, Jonah.

**Mr. Gilles Bisson:** What's going to happen, in my view, is that we're all going to go away before our four-day meeting this summer and we're going to read this stuff and have some internal discussions, and we'll come back and start talking about what we can agree on. And you know what? That's the process. I think what we're trying to do in these sessions is flesh out what some of

the ideas are, hear each other out without making any line-in-the-sand kinds of decisions and move on from there.

**The Chair (Mr. Garfield Dunlop):** Jonah had the floor.

**Mr. Jonah Schein:** In all seriousness, I'm actually curious to hear if people have feelings about what Gilles just said, because I do feel frustrated by time allocations in the House. It seems ineffective. I don't want to put you on the spot, but I am curious to hear some thoughts about it. And, other people, if you have thoughts about this, either pro or con, I would like to know.

**The Clerk of the Assembly (Ms. Deborah Deller):** Look, I'm not a big fan of time allocation, and I never have been.

**Mr. Gilles Bisson:** Hold it, Clerk. We'll just wait till Jeff is available here.

**Mr. Jeff Leal:** I am listening.

**The Chair (Mr. Garfield Dunlop):** Okay. Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** But there are two sides to the House, and both sides have to act responsibly; otherwise, the House is driven to using something like time allocation. What has happened over time is that there have been—the role of the opposition is to oppose; the role of the opposition is not to obstruct. Over time what has happened is that there have been occasions when the opposition has obstructed, and then the government has reacted, usually by changing the rules to make it easier for them to get their legislative agenda through. Each time that has happened, the response of the opposition has been ratcheted up a little bit until now you get a set of rules that are so restrictive—you're right—that it doesn't allow for the back bench, the private members, to have what I would consider maximum influence in the House, or maximum ability.

The House, in my mind, did work better before we time-allocated everything; Mr. Bisson is exactly right. We rarely spent any time at all debating third reading, because it was intended to be only the opportunity to cross the t's and dot the i's and that was it. When time limits on speeches came into being, it was Mr. Bradley who said, very vocally, "You will never see another day when we pass three, four or five third readings of bills. It won't happen again, because now that you've imposed time limits on speeches, we will use the maximum time limit." That's what has happened. We sometimes have quite lengthy debates on third reading after a bill has already been approved in principle by the House and gone out to committee for public hearings and clause by clause.

I absolutely agree: I think the place worked better without time allocation. I don't know how you build something in the rules or how you roll back the clock. I'm not sure you can get that back. I think there are two things at play. One is a sort of cultural shift. You have to have a House that has got the intestinal fortitude to give it a try and have both sides act responsibly. But I'm not sure if we haven't gone so far down the road of allocating time that it's very difficult or impossible to roll it back.

**The Chair (Mr. Garfield Dunlop):** Okay, Steve and then Gilles.

**Mr. Steve Clark:** Again, for what it's worth, I've only lived under time allocation over the last couple of years since I've been a member, and I only know from folklore from some of my predecessors how it operated before that. But I guess the only comment I would have is similar to what I said earlier: If we are going to change it, even on a provisional basis, it will be now, because if we don't do it now when there's a minority, it's just not going to happen. I don't know if the political will is there. Personally, I don't have a problem trying it on a trial basis, but I just don't—this is the time to talk about it.

**Mr. Gilles Bisson:** Just quickly, I agree with Steve: The best time to do it is in a time of minority Parliament. But the other point is I'd just go back to what I said earlier. We're starting to live what it's like not to have time allocation, so I think we start to show by example that in fact this Legislature can work, as it did in the last week, where we decided as parties to move forward on a bundle of items that satisfied the government and satisfied the opposition, and we moved forward. I think we're going to see more of that this fall. As we start to see essentially sort of block programming motions—four weeks, three weeks, whatever the sessions are in between breaks—I think members will start to recognize that, in fact, there is a good check and balance in that system and it can work.

I would say this as well to members. I always remember—what was his name? The member from Haliburton who is now the mines guy—

**Interjection:** Chris Hodgson.

**Mr. Gilles Bisson:** —Chris Hodgson. He got elected in a by-election and came in on committee on the Sustainable Forest Development Act. I was on that committee that travelled across the north, looking at how we can change our forestry system. He was quite effective at asking the right questions, lining up the right presenters and making life difficult for the government. But I'll tell you what he did: Because there was no time allocation, it put us in a position as a government that if we wanted to get that bill through, we had to amend our ways somewhat. And we actually took some of his ideas and incorporated them into the bill, and you know what? It was good stuff. At the end, the government ended up with a better bill that essentially passed the sniff test with the stakeholders so that everybody now was heralding it as, "Don't change it now. God, it works because we made it work through this process."

I guess that's the point. This Legislature should work like—the opposition doesn't have all the ideas and neither does the government. We need to find a way that we take the best from each and then we move forward to do what's right for the people.

**The Chair (Mr. Garfield Dunlop):** Deborah, can I ask one quick question to you on time allocation? Did the federal Parliament have it before Ontario?

**Mr. Jeff Leal:** In 1956, right? That was the famous debate on closure on the pipeline debate, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Let me be clear: We, in this House, used a form of time allocation before there was a rule that provided for it. What the rule did was say that there's a limited debate on a time allocation motion. I think—Peter might correct me if I'm wrong—Dr. Bette Stephenson was maybe the first person to actually move time allocation in this House, but it was a fully debatable motion, so it kind of defeated the purpose, because you could move a time allocation motion, but then it could be debated forever.

**The Chair (Mr. Garfield Dunlop):** Jeff, yes?

**Mr. Jeff Leal:** Deb, as opposed to closure, which was the famous C.D. Howe thing I said—we're stopping debate in 48 hours and this bill is going to be passed in 48 hours and that's it, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Right.

**Mr. Jeff Leal:** And that's closure.

**Mr. Gilles Bisson:** But you have to call the question under closure, and the Speaker has to make the determination if enough debate has been done. Even that was not allowed very often, because in the times that I've seen closure tried to be invoked by Speaker Warner, by the government, and Speaker Warner was there and others, Speakers were hard-pressed to say after five hours or even 10 hours that there had been enough debate. It was very difficult for the government to invoke closure, which forced them to negotiate with the opposition.

1430

Mr. Harris with the naming of the lakes: Remember that one? He came into the Legislature during introduction of bills, I think it was, and back then, there was no limit on routine proceedings. He started naming lake and river after lake and river as a way of getting the government to move to do hearings on the budget bill—to travel it, if I remember correctly. Was that the issue? It was travelling the budget bill, if I remember correctly. We didn't want to do it—hell, that's the last thing we wanted to do—but it did give a legitimate argument: Where there were some people in Ontario who were opposed to that budget who wanted to have it travel, it gave them the opportunity to be able to do it. Unfortunately, it triggered the rule changes.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's kind of what I'm talking about. There was a time when the time-honoured, traditional way for the opposition to oppose was to filibuster, to speak at length. What happened was that there were a number of filibusters that finally led to time limits being imposed on speeches, so that was no longer an option. Then came petitions. There was no time limit on petitions. The Speaker would call for petitions—and I think it was the NDP that started reading petitions all day long. So at 6 o'clock, the House adjourned, and the government hadn't gotten to orders of the day. The reaction to that was to change the rules to impose a time limit on petitions.

**Mr. Gilles Bisson:** Calling the members in on bells.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, calling the members in on bells. Then we had a time

limit on bells. The lakes and rivers bill that took all day to introduce led to time limits on introduction of bills.

This is what I was talking about before, where each time the hole in the dike gets closed, one opens up elsewhere, and then there's a need to have to change the rules to prevent that from happening again.

**Mr. Gilles Bisson:** To the government members, once you're—

**The Chair (Mr. Garfield Dunlop):** Okay—

*Interjection.*

**Mr. Gilles Bisson:** No, I want the floor; I just—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** We're just trying to straighten out a time for a possible subcommittee meeting next Tuesday morning. That's what this is about.

**Mr. Gilles Bisson:** Okay, that's fine. I wasn't making—I'm just waiting for it to finish, that's all.

**The Chair (Mr. Garfield Dunlop):** Gilles has the floor here.

**Mr. Gilles Bisson:** With all that delay, again, my brain isn't good enough to remember what I wanted to say, but I'll try the best I can.

The point is, the Clerk is right. The opposition went from opposing to obstruction. As a result of the obstruction, governments of different sorts—Peterson, Rae, Harris, then Mr. McGuinty—closed those obstructions, and now we're left with very little.

What we did learn in this last session is that the government had something it wanted: It wanted a budget bill. So they were forced to come to the opposition and say, "What do you want in exchange?" It actually worked, because we in the opposition didn't ask for a hell of a lot. What did you end up giving up? A few days of committees in the summer and changing of BOIE, which we can all agree on. I think it was really healthy, what happened through that process; that it showed that in fact this place can run without limits on debates, without time allocation. Maybe some of the things, like the constant ringing of bells, that we used to be able to do before and limiting the amount of time for you to introduce a bill—maybe those things are in order today.

But I think time allocation is a really big problem, and if we can show that we can make this work in a minority Parliament, a majority government can make it work as well, because then it becomes a case where you only do those things that are really important, and you do them well.

**The Chair (Mr. Garfield Dunlop):** Go ahead, Deb.

**The Clerk of the Assembly (Ms. Deborah Deller):** He's going to hate me for this, but my friend and colleague sitting next to me has an idea that he's had for a number of years, which is that if we roll back the clock to 1981 and use those standing orders, just for a week, just to see how it works, that might be beneficial in terms of trying to restore a little bit of the—

**Mr. Gilles Bisson:** Essentially, that's what we have now in a funny kind of way, right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Except we still have the time limits on the—

**Mr. Gilles Bisson:** Yes, we still have time limits on speeches and all that. I hear what you're saying.

**The Chair (Mr. Garfield Dunlop):** I'll tell you, I think most members of the House are quite pleased with your programming motion, how it worked out. I give the House leaders a lot of credit for that.

Guys, we're moving on here. Right now, we have to deal with the reviews from your caucuses next week as they come back. I'm hoping also that we can talk next week, and probably, if it's all right with members of the committee, if we have a subcommittee meeting to lay out sort of a calendar for the summer of our dates and what we might expect. If Jeff can go, we can do it Tuesday morning, if that's possible.

**Mr. Bas Balkissoon:** Jeff will sit in for me.

**The Chair (Mr. Garfield Dunlop):** Yes. Okay.

**Mr. Gilles Bisson:** He's harder than you, Bas. I don't know.

**The Chair (Mr. Garfield Dunlop):** And then, of course, followed by next week at 1 o'clock for the regular meeting.

**Mr. Gilles Bisson:** So 9:30 Tuesday morning, subcommittee meeting.

**The Chair (Mr. Garfield Dunlop):** Yes. Steve?

**Mr. Steve Clark:** You're going to speak to Ms. MacLeod about her attendance at subcommittee.

**The Chair (Mr. Garfield Dunlop):** Yes.

**Mr. Steve Clark:** Can I ask one other question? The issue that I brought up at the very first about the proclamations: Is it possible for Mr. Balkissoon to have that just to get feedback from his caucus? I would love to have it as well.

**Mr. Bas Balkissoon:** I don't think we had a major problem, but I'll get Jeff to give you an answer.

**Mr. Steve Clark:** I haven't seen a report, or at least I don't believe I have the report, so I'd like to see it and at least be able to circulate it to a few people to get their feedback.

**Mr. Bas Balkissoon:** The proclamation doesn't have to go through the whole process, right? I don't think we had much. That is a sort of a motherhood thing.

**The Chair (Mr. Garfield Dunlop):** Are you satisfied with that for the process for next week? Because I'm trying to make some headway here.

**Mr. Jeff Leal:** Trevor, where does the subcommittee meet?

**The Chair (Mr. Garfield Dunlop):** Just in the lobby, or we can meet here.

**Mr. Jeff Leal:** Opposition lobby? That's fine.

**The Clerk of the Committee (Mr. Trevor Day):** All your offices will be contacted with the information.

**Mr. Jeff Leal:** I just want to get it into my schedule.

**The Clerk of the Committee (Mr. Trevor Day):** Most likely the opposition lobby, but—

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Is there anything else anybody wanted to bring up at today's meeting? So we're expecting a little bit of feedback on the review of that.

**Mr. Jeff Leal:** I'll be making a presentation next Tuesday.

**The Chair (Mr. Garfield Dunlop):** Okay. And then we'll also talk about the summer programming.

**Mr. Jeff Leal:** Yes. And then Wednesday, when we have our regularly scheduled meeting, I can give you a bit of an update on our initial discussion at caucus on Tuesday. How's that?

**The Chair (Mr. Garfield Dunlop):** Yes.

One of the things we mentioned, just very briefly at lunch today, is that some of the committees might end up being in town together; for example, in Ottawa or something like that. There are some other committees that are going to travel. So we might be able to do that.

**Mr. Steve Clark:** The issue that came up was the ARA. For example, the ARA is meeting in Ottawa—

**Mr. Bas Balkissoon:** What's ARA?

**Mr. Steve Clark:** The aggregates review.

**Mr. Gilles Bisson:** Aggregate Resources Act.

**The Chair (Mr. Garfield Dunlop):** Maybe we can tie a couple of meetings to the same day or something like that.

**Mr. Steve Clark:** They're going to be in Ottawa anyway.

**Mr. Gilles Bisson:** I think there's already a date that's been established that they're going to be in Ottawa. I was told what it was by my staffer a little while ago.

**The Chair (Mr. Garfield Dunlop):** We'll try to get those details for next week to see if we can—

**Mr. Gilles Bisson:** So if I have to be there on Tuesday and committee can be there on Monday, we don't have to pay me twice.

**Mr. Bas Balkissoon:** It all depends on all our schedules.

**The Chair (Mr. Garfield Dunlop):** Yes. It's not easy. We better not get another committee involved in this.

With that, committee members, I think we'll call it a day. I think we've had a fairly good discussion. I'm not sure how many recommendations have come out of it. But with that, we'll adjourn today's meeting. We'll see you next Wednesday at 1 o'clock.

*The committee adjourned at 1439.*

## **CONTENTS**

Wednesday 6 June 2012

Standing orders review .....	M-171
------------------------------	-------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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M-13

M-13

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## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 13 June 2012

# Journal des débats (Hansard)

Mercredi 13 juin 2012

## Standing Committee on the Legislative Assembly

Standing orders review

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 13 June 2012

*The committee met at 1312 in committee room 1.*STANDING ORDERS REVIEW  
SUBCOMMITTEE REPORT

**The Chair (Mr. Garfield Dunlop):** We'll call this meeting to order. Thank you very much for your patience here. We were having some lunch and we got together to talk about some potential dates, because that's the whole reason for the meeting today. Maybe, Lisa, I'll ask you to just explain what we've come up with so far.

**Ms. Lisa MacLeod:** As a result of the programming motion in the House, we've been asked to sit on a few days this summer. In addition, we've been authorized to travel within Ontario.

As a result of that, your subcommittee met and has suggested that the committee meet in Toronto on July 3, 4, 24 and 25, as well as travel to the city of Ottawa, the nation's capital, following AMO, to possibly meet with members of the House of Commons, the Senate, members of the diplomatic corps from Commonwealth nations, as well as the Carleton University school of public administration and governance, and a possible think tank.

I would move that the subcommittee report be adopted as read.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** I'll just agree with it.

**Ms. Lisa MacLeod:** Thank you, because this is part yours, right?

**The Chair (Mr. Garfield Dunlop):** Any questions on this? We've tried to work it out for everybody—it looks like June is almost impossible for people, because of school graduations and their own kids in school—

**Ms. Lisa MacLeod:** So just for members, if they want to write these down again: July 3, 4, 24 and 25. That's two days at the beginning of July, two days at the end of July, to meet in Toronto, and then following the AMO conference in Ottawa, the committee will meet—

**The Chair (Mr. Garfield Dunlop):** In Ottawa.

**Ms. Lisa MacLeod:** —in the nation's capital.

**Mr. Jonah Schein:** What are the dates for Ottawa?

**Ms. Lisa MacLeod:** AMO is the 21st and 22nd. We're going to just nail down a date. I know that a majority of members, particularly outside of Toronto, attend that, and that's why we decided to piggyback that.

**Mr. Gilles Bisson:** You guys did that just to mess me up.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 13 juin 2012

**The Chair (Mr. Garfield Dunlop):** Likely the Wednesday and the Thursday.

**Mrs. Laura Albanese:** Wednesday and Thursday, so that would be—sorry, when is AMO again?

**The Chair (Mr. Garfield Dunlop):** AMO begins on Sunday the 19th and finishes on Wednesday the 22nd. We were thinking of possibly Wednesday the 22nd, and the 23rd of August.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Gilles, we just ran by those dates.

**Mr. Gilles Bisson:** Yes.

**The Chair (Mr. Garfield Dunlop):** August 22 and 23 in Ottawa. Have you got a problem with that?

**Mr. Jonah Schein:** For me the July dates work fine. I haven't heard a fixed August date and I'm not sure—that time period is not hopeful for me but I'd have to hear a fixed date.

**The Chair (Mr. Garfield Dunlop):** Right.

**Mr. Gilles Bisson:** I think unfortunately where we're going to be at is that we're not going to be able to accommodate everybody, so we've got to pick dates. So you're looking for August 23 and 24.

**The Chair (Mr. Garfield Dunlop):** We've talked to the committee about July 3 and 4—

**Mr. Gilles Bisson:** No, no, I'm talking about the August date.

**The Chair (Mr. Garfield Dunlop):** Okay, so just August now.

**Mr. Gilles Bisson:** What are the dates you're looking at?

**The Chair (Mr. Garfield Dunlop):** The 22nd and 23rd.

**Mr. Gilles Bisson:** AMO is what date again?

**The Chair (Mr. Garfield Dunlop):** It starts on the 19th and finishes on the morning of the 22nd. So the morning and afternoon of the 22nd, and the next day as well if we need it.

**Mr. Gilles Bisson:** We have a caucus retreat on the 23rd. So you are available on the 23rd for other reasons.

*Interjection.*

**Mr. Gilles Bisson:** Can I double-check this?

**The Chair (Mr. Garfield Dunlop):** Okay. At least we've got the four days decided in July.

*Interjections.*

**Mr. Gilles Bisson:** Well, where are you canoeing? We can go and meet you.

**Mr. Jonah Schein:** I'm not telling—

**Mr. Gilles Bisson:** Well, if it's in Ontario we can travel.

*Interjection.*

**Mr. Gilles Bisson:** If it's in Ontario we can meet up with him. He's canoeing those dates; we can go meet with him.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** Garfield, do we need a motion to allow us to sit in August?

**The Chair (Mr. Garfield Dunlop):** No, I don't think so.

**Ms. Lisa MacLeod:** The programming motion doesn't allow us to sit in Toronto in the month of August but it does allow us to travel within the province in the month of August.

**The Clerk of the Assembly (Ms. Deborah Deller):** With the unanimous consent of the subcommittee.

**Ms. Lisa MacLeod:** Which was unanimous.

**Mr. Jeff Leal:** My team over here just had a question.

**Ms. Lisa MacLeod:** Don't answer them.

**Mr. Jeff Leal:** I answer to Eddie and Paul every day.

**The Chair (Mr. Garfield Dunlop):** So we're fine on that?

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Actually, Gilles, we don't necessarily have to have the August dates today. As long as we can tie down the July dates, we can leave it at that.

**Mr. Gilles Bisson:** For the July dates I'm fine.

**The Chair (Mr. Garfield Dunlop):** So we're okay with the July dates that we've mentioned. So committee, if I could just ask just to make sure we've got full approval on July 3 and 4 here in Toronto, and July 24 and 25 in Toronto as well, and we'll get the fine details wrapped up later on on the August dates, which would be in Ottawa.

**Mr. Gilles Bisson:** We'll just go by a subcommittee decision on the August dates.

**Mr. Jeff Leal:** Lisa's organizing a garden party with the Governor General, right, when we're in Ottawa in August?

**Ms. Lisa MacLeod:** I'll see what I can do.

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Guys, are we in favour of the July dates for sure? I'm really happy if we can get that done.

**Ms. Lisa MacLeod:** Me too.

**The Chair (Mr. Garfield Dunlop):** All in favour of that, then? Everybody in favour? Okay. Anybody opposed to that? No opposition. Okay, that's carried.

We'll decide the August dates at a later date when we get some confirmation from the third party.

Deborah, did you have anything you'd like to add to this today?

**The Clerk of the Assembly (Ms. Deborah Deller):** I don't think so. I think today was just trying to get dates.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mrs. Laura Albanese:** Should we block off the whole day for those dates?

**Mr. Gilles Bisson:** That's a separate issue—

**The Chair (Mr. Garfield Dunlop):** I was suggesting from 9:30 to 2:30, something like that, 9:30 to 3. You need some kind of a break in there and I think it's a lot to ask people to go the whole day, so we do two days in a row like that. So let's say 9:30 to 3 o'clock each day, with a break.

Jeff, did you have something else?

**Mr. Jeff Leal:** No, no, just agreeing with you, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** Gilles, did you have anything else?

**Mr. Gilles Bisson:** The other thing that we talked about at subcommittee was the need to start thinking about who we want to come and meet with us on those dates in July. It would be a good idea if members could, this weekend, try to start going through their binders in order to hone in on who you'd like to meet. A couple that I thought of was it would be interesting to meet with somebody out of the Saskatchewan Legislature to look at their timetable motion or whatever you call it, standing order. If there's anybody in particular, I would like to see Claude DesRosiers as one who I'm thinking of.

If members could start thinking about—I don't want to do four days of hearings, just so we're all clear, but I think it's helpful to meet with a few people, maybe two or three or four, whatever we figure the magic number is per day or whatever, so that we can hear from some people who have some good insights on standing orders. I don't want to hear from the general public because this is really inside baseball kind of stuff. We should start thinking about who we want so that the clerk can start working out a schedule of how these people are going to come in and meet with us for the Toronto hearing dates. Anybody in Ottawa, let's not worry about that. We can do that when we go to Ottawa in August.

My recommendation would be that if anybody has any recommendations about who they would like to meet with, to have somebody in the Toronto hearing dates, they should pass it on to their subcommittee members, and then the subcommittee members can meet and we can finalize whatever we've got to do so the clerk has the time to organize what needs to be done.

**The Chair (Mr. Garfield Dunlop):** Gilles, would you be thinking of people like former Speakers, former Clerks?

**Mr. Gilles Bisson:** I don't want to have an—

**The Chair (Mr. Garfield Dunlop):** The Clerk?

**Mr. Gilles Bisson:** Let me tip my hand: I don't want to have extensive hearings on standing order changes, but I think there are some people we would like to hear from. Claude DesRosiers: The only reason I raise him is because he's worked in the federal and provincial Houses. I think he's the only who has done that, from what I can—

*Interjection.*

**Mr. Gilles Bisson:** Here, yes. So it would be kind of interesting. He understands the history of our rules,

understands the history of their rules. He'd be an interesting person to talk to.

**The Clerk of the Assembly (Ms. Deborah Deller):**  
He also worked for the McGrath commission.

**Mr. Gilles Bisson:** Oh, I didn't even know that. Oh, wow. Even better.

Saskatchewan: I wouldn't mind talking to a member of the Saskatchewan opposition party, government party and a clerk so we can talk about that timetable issue that they've got. There may be some others that people have. I don't know. I'm just raising it.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** I would be inclined to invite Sean Conway to come, just because of his incredible knowledge of history in the province of Ontario, particularly knowledge of the Ontario Legislature; plus he has done some incredible research for some other jurisdictions, and I think we'd all appreciate his insight. He has been through minority governments, Conservative governments, NDP and Liberal governments, on both sides of the House. Of course, as we all know, he has a passionate interest in the affairs of the House.

**Ms. Lisa MacLeod:** Chair, there was one part, because we didn't have the subcommittee report written down, that I think is important. It was raised by Mr.

Bisson in subcommittee and supported by the others. It's that each political party or each political caucus, when we travel to Ottawa, would have the ability to bring one staff member from that caucus with the committee. Does that need to be voted on again?

**The Chair (Mr. Garfield Dunlop):** Do you want to move that, then?

**Ms. Lisa MacLeod:** I move, as a result of the subcommittee discussion with Mr. Bisson and Mr. Leal, that each political caucus that is represented in the committee be able to take one staff member, paid for by the committee, to Ottawa during the committee meetings there.

**The Chair (Mr. Garfield Dunlop):** You've all heard that. Any discussion? All those in favour of that? It gets carried.

**Ms. Lisa MacLeod:** Uh-oh, they're trying to figure out who wants to go on the trip now.

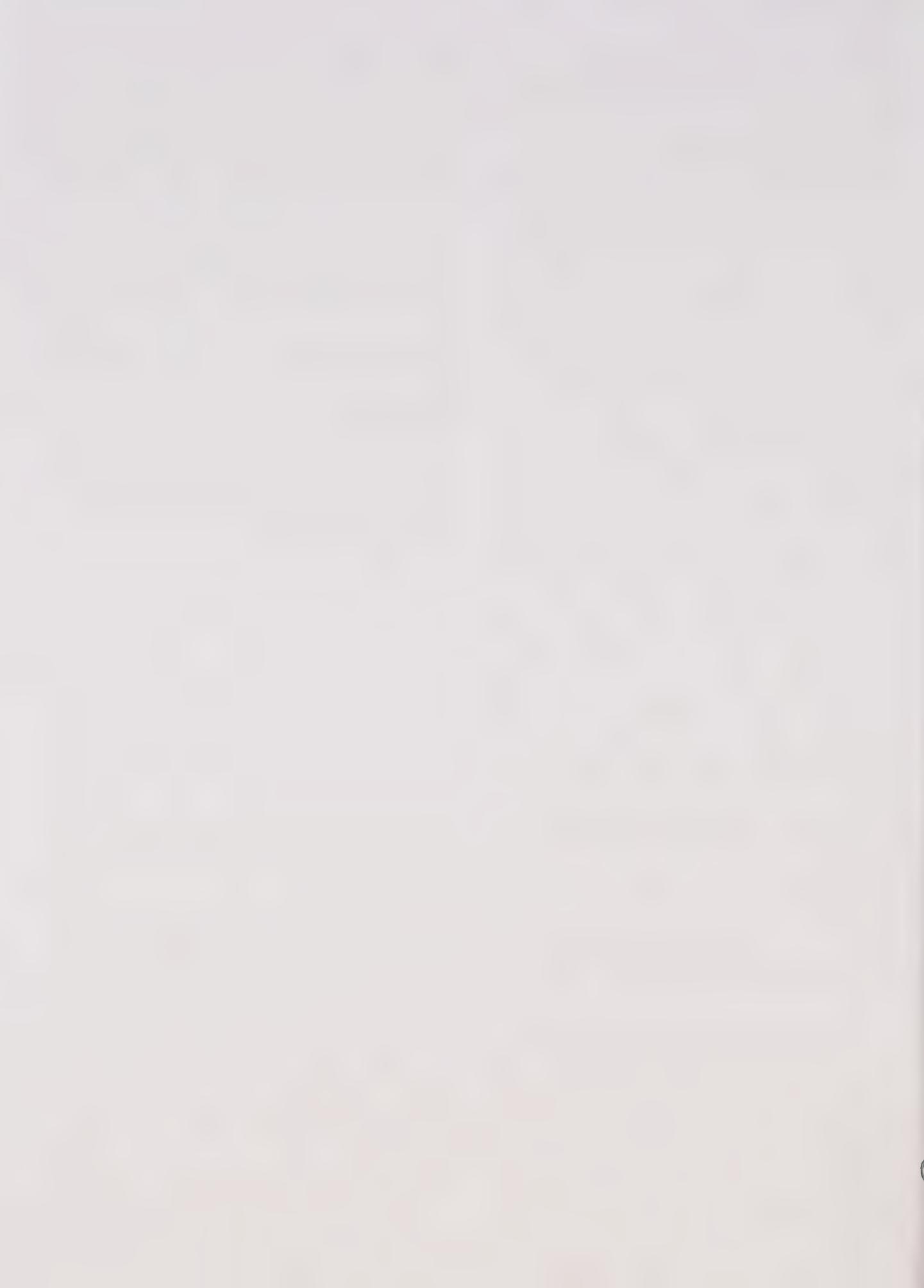
*Interjections.*

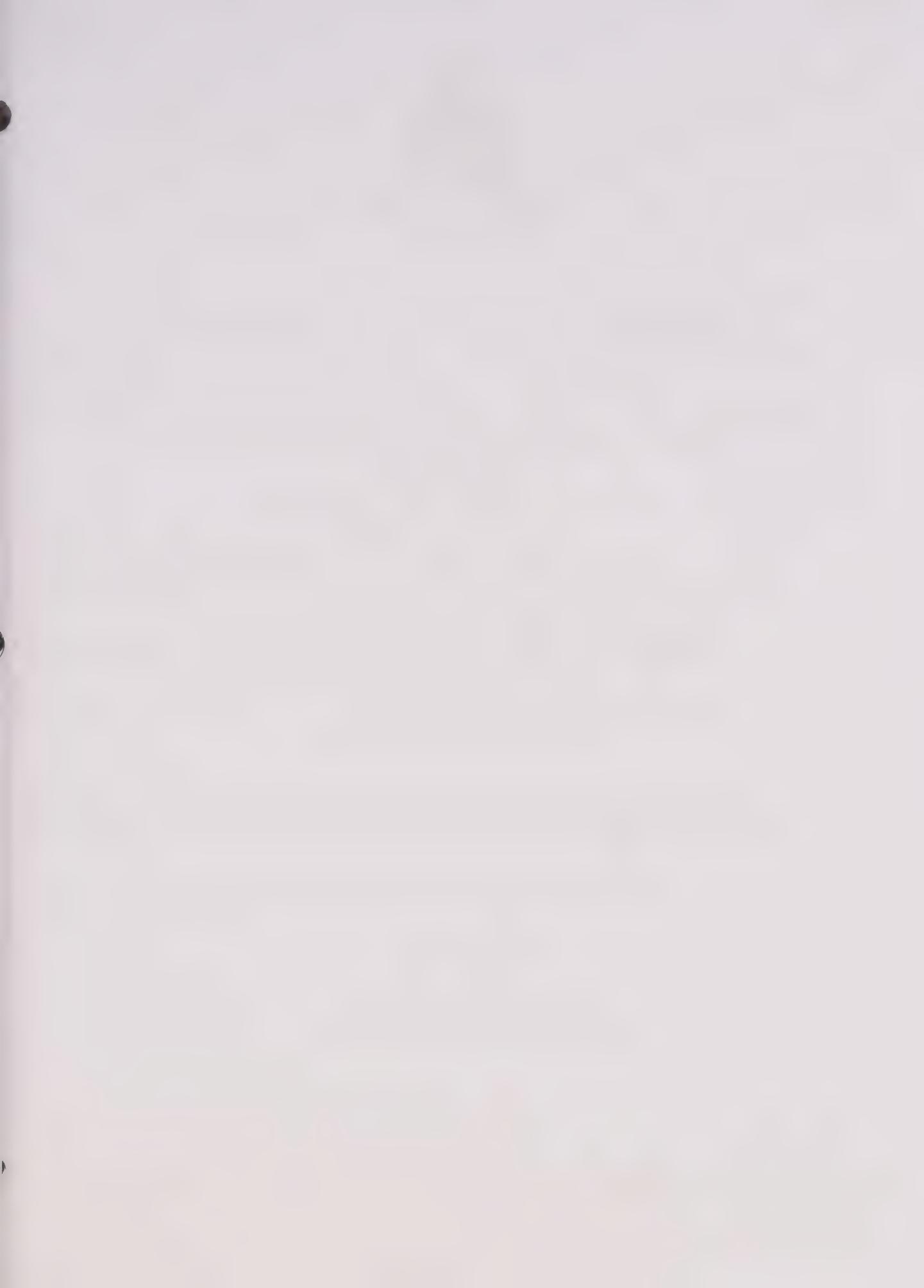
**Ms. Lisa MacLeod:** I'm just teasing.

**The Chair (Mr. Garfield Dunlop):** There are a couple of things to throw in your binders, folks, and thank you very much for your attention today. That's it.

The meeting is adjourned.

*The committee adjourned at 1324.*





## **CONTENTS**

**Wednesday 13 June 2012**

Standing orders review .....	M-189
Subcommittee report.....	M-189

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

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#### **Also taking part / Autres participants et participantes**

Ms. Deborah Deller, Clerk of the Assembly

#### **Clerk / Greffier**

Mr. Trevor Day

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M-14

M-14

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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Tuesday 3 July 2012

Standing Committee on  
the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature



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Mardi 3 juillet 2012

Comité permanent de  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Tuesday 3 July 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mardi 3 juillet 2012

*The committee met at 0938 in committee room 1.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Garfield Dunlop):** Folks, we'll call the meeting to order. We'll get the subcommittee report out of the way first and then we'll recess until Claude arrives. With that, can you move that?

**Ms. Lisa MacLeod:** Sure.

Your subcommittee on committee business met on Thursday, June 28, 2012, to consider the method of proceeding on the study of standing orders and recommends the following:

(1) That the following Clerks be invited to appear before the committee by teleconference:

(a) the Clerk of the House of Commons of the Parliament of Canada;

(b) the Clerk of the Legislative Assembly of Alberta;

(c) the Clerk of the Legislative Assembly of Saskatchewan;

(d) the Clerk of the House of Commons of the United Kingdom;

(e) the Clerk of the Scottish Parliament; and

(f) the Clerk of the House of Representatives of the Parliament of Australia.

(2) That the following individuals be invited to appear before the committee by teleconference or in person:

(a) Sean Conway;

(b) Claude DesRosiers;

(c) Peter Kormos;

(d) Peter Milliken; and

(e) Norman Sterling.

(3) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The subcommittee is brilliant, and I move adoption of that report.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Anything you'd like to add or subtract? Are you happy with that for now?

**Mr. Gilles Bisson:** Just a question on the Scottish Parliament: You were saying that you were not able to get a hold of them?

**The Clerk of the Committee (Mr. Trevor Day):** To be honest with you, going through and getting everybody was just—

**Mr. Gilles Bisson:** Logistically?

**The Clerk of the Committee (Mr. Trevor Day):** —on our part, it really wasn't—

**Mr. Gilles Bisson:** Because it would be nice if we could, next time—what I'd like to do next time when we come back is actually start to work on our recommendations, but it would be good to hear from them maybe first thing in the morning.

**The Clerk of the Committee (Mr. Trevor Day):** Next time? That's altogether possible. Again, between that and the—

**Mr. Gilles Bisson:** Actually, first thing in the morning would be the middle of the night for them, right?

**The Clerk of the Committee (Mr. Trevor Day):** No, they're four or five hours ahead of us.

**Mr. Gilles Bisson:** That's right, too; yes. I'm going the wrong way on the globe.

**The Clerk of the Committee (Mr. Trevor Day):** So that's altogether possible. We can continue to sort of make our way through the list. The only one that will be virtually impossible is (f)—Australia—due to the 14-hour time difference.

**Mr. Gilles Bisson:** Maybe we can both meet in Hawaii.

**The Clerk of the Committee (Mr. Trevor Day):** Yes, that would work. That's the one we can't get, but other than that, everyone else we can continue to move forward on.

**Ms. Lisa MacLeod:** I think that was a great report.

**The Chair (Mr. Garfield Dunlop):** All in favour of the report? Okay, that's carried.

So we'll recess until Mr. DesRosiers gets here.

*The committee recessed from 0941 to 0946.*

## STANDING ORDERS REVIEW

## MR. CLAUDE L. DESROSIERS

**The Chair (Mr. Garfield Dunlop):** We'll bring the committee back to order.

Claude, thank you very much for taking the time, on kind of a short notice, to meet with our committee on the Legislative Assembly. We may have a lot of questions for you, just your thoughts on the process and ways to improve things and where you see there are problems or

things that our particular committee might recommend to the House that would be pretty positive in making the House work even better.

**Mr. Claude L. DesRosiers:** Thank you, Mr. Chair. I'm pleased to be here and hope I can contribute a bit. I don't have any prepared statement or anything. I must say, the last six years I've really devoted myself to retirement. It didn't take me very long to forget the intricacies of this institution. What I did regret and what I did miss are the people, the people I worked with and the members—

**Mr. Gilles Bisson:** Even me?

**Mr. Claude L. DesRosiers:** Well, even you, Gilles.

I must say, I'm not up on the latest in your changes and how you work and so on. I know you're busier than ever and I know you have these godawful hours that I'm happy I missed and so on. But that's the life you chose to go to, and that's fine. So I won't be able to really put forward a series of ideas and so on, on where you should go from here, but I'm sure—listen, I have stories to tell from the past, on the McGrath committee and how things evolved and so on.

I would really like to answer your questions. I'm just putting you on guard that if you come and start quoting standing orders to me and so on, and "Should we change this and that?" I'm at a loss. I really haven't followed all those changes.

**The Chair (Mr. Garfield Dunlop):** Okay. We'll start with some questions and just a general conversation. Ms. MacLeod.

**Ms. Lisa MacLeod:** Thanks very much, Chair. Welcome back, Mr. DesRosiers. It's really nice to see you. I think, for the benefit of all of our committee—I don't think we're necessarily looking at the minutiae and the details of which standing orders to change. And they have changed a bit since you retired. I think for the benefit of this committee, and this is something we've talked about before, we now have an opportunity in a minority Parliament to really look at this holistically, for all of us to envision ourselves in different, I would say, sides of the House or what you have you, in another election. I think it behooves all of us to look at the standing orders as they are, to make them more fair for everybody.

We've talked about the McGrath commission quite a bit, actually very extensively here, and some of the other studies that were done, I believe mostly in the 1980s, even federally and provincially. In what ways do we empower members, whether through a caucus or as individual MPPs, and ensure that that work is getting done, but also that there is a voice from the outside? Because we've seen an erosion, almost, of internal democracy here. I think all my colleagues would agree that it's either because of or the fault of all three political parties.

0950

We now have an opportunity to put that aside and sit down and have that conversation on how we actually can make this place work a little bit better. So if you can start with the McGrath commission and tell us a little bit about that: some of the studies that were done; who—because

this is the other challenge that we have: trying to convey to our colleagues, particularly House leaders, that this study does require a lot more substance than just maybe a three-week exercise of cherry-picking and a little checklist of things that we want to do, because there are, often times, unintended consequences. So if you could start there, I think that would be very beneficial to all of us.

**Mr. Claude L. DesRosiers:** I'll start, and if I go too long, stop me, Mr. Chair. Okay. The McGrath committee was probably one of the most interesting parts of my career. It happened when I was still working in Ottawa. I worked 16 years at the House of Commons before coming here. One day, someone knocked—no, I'll start at the beginning of the story.

We had an election in 1984. Prime Minister Mulroney was elected. I remember that throne speech. There's a little corridor in the back of the Speaker's chair in Ottawa. There are curtains there, and that's where staff used to hang out. We're listening to the throne speech. Lo and behold, this Prime Minister is proposing to reform the House of Commons. Those were words that really struck us—with a jaded view, I must say. We certainly didn't believe it, and we thought, "How can you reform the House of Commons, for gosh sake? It's just got to keep evolving, and that's the way it happens." But, lo and behold, about two weeks later there was a motion on the floor to appoint a committee. The committee was appointed, and off they went.

Someone knocked on my door and said, "Would you agree to be a member of the staff?" I said, "Sure; I'd love to," and off we went. I remember going to—this would have been Christmas 1985; just after Christmas—our first staff meeting. I have a bad habit that I've never lost in my life: I'm always a bit late. I showed up, and I just sat there for a minute in the room. My colleagues were discussing what they were going to put in front of the committee to develop a plan for the committee: what they should be looking at and what they should be doing. There was a blackboard there, and I remember that they had put some standing orders on the board. I sat and listened for a while and I said, "No, this is wrong. Something doesn't—we've been there before." We had had quite a few committees—the Lefebvre committee and others—that had done that and recommended changes to the standing orders recently in history. I popped my little head up and I said, "Listen, why don't we try something different? Why don't we try putting principles in front of the members of the committee? What does the Prime Minister want to accomplish here? What is the will of the House?"

There was one word that came out after a bit of discussion. It was "power"; more power to. So we ended up putting a series of lines on the blackboard, and they all started by, "More power to": the Speaker; more power to, and stronger, committees; and more power to the private member. That's what we ended up with. We developed those themes a bit and put that in front of the members. Then the members decided where they would travel and where they would go to see and what advice they would

seek from elsewhere. With these words “more power,” we decided on where we would go.

One of the members was very strong on going to Bonn because he had heard that facilities for members there were very strong. Other members wanted to look at the Speakership and other members wanted to look at committees. So the committee decided on Bonn, and then they would go to Westminster. I said, “You want to see a powerful Speaker? Why don’t you stop in Paris on your way from Bonn?” The Chair was under strict orders from the Prime Minister not to spend too much money, so he looked at me. If his eyes could have been daggers, I would have been dead. But André Ouellet, who was a member of the committee, came to my rescue, and he said, “No, no. no. I think Claude is right. I think we should stop there.” So McGrath said, “Okay. One day, Paris, and then on to Westminster.”

The story with the McGrath committee—you have to know that there’s a subplot here. Prime Minister Mulroney was sincere. He wanted to change the place, but he had a main reason for doing this. You’ll all remember the famous debate during the election in 1984 where Brian Mulroney turned to John Turner and he said, “You, sir, had a choice.” Brian Mulroney had decided that he wanted a way out of the appointment process. He wanted to clear that up, as he wanted to make sure that the committee would make a clear recommendation on appointments.

So off we went. We saw a powerful Speaker—and we saw facilities for members in Bonn. We saw a powerful Speaker in Paris. We saw a committee system that would blow your mind in London, and it’s still there. It still operates beautifully and so on. The only problem is that you need a lot of members, and you don’t have a lot of members. That’s part of the problem with the British parliamentary system. You need members. You need cannon fodder, in a certain way, and you need people to sit on committees and to hear these things if you’re going to create different kinds of committees.

I think McGrath suggested a very intricate system of committees, which worked—and I remember I was given the responsibility to start this committee system in Ottawa in 1985. It worked for a while, but it was abandoned after a while because it was just too unwieldy—not enough people. But the ideas stuck and so on.

You see, in order to have a really, really good committee system, you go to Washington and you make sure you have a lot of people and a lot of money, and you’ve got a very good committee system. But here, at the Legislature of Ontario, I think in many, many ways, you have found a modus vivendi, a way of working with what you have. It sometimes shows very, very great promise.

But to finish the story on McGrath—listen, it’s a very simple report. You can read this; you can understand it. It’s still alive today. But if you read the section on appointments, the Prime Minister was sorely disappointed, because our system is a responsible system of government. The executive has to take responsibility for its appointments. It can’t fob them off on a committee or

somebody, as many people think they do in the States. But that’s not true either in the States, because you’ll all remember that last week you had a famous decision—a historic decision—by the Supreme Court. Who, in everybody’s mind, figures that appointed Chief Justice Roberts—he’s a Bush appointment, everybody says, even though he was examined by a committee of the Senate and so on. They could have said no to this appointment, but still, it’s an executive appointment.

The system we came up with was a wishy-washy type of thing that sort of—that’s still alive today and was borrowed by the assembly here and so on. So nothing’s perfect; things evolve.

The main story about Legislatures, British-style and so on—as I grow older, I always have been and I’m a great fan of history, but if I go back to history and where this all started, you all go back to a great big hall called Westminster Hall. That’s where court was held. The King or the Queen would sit there with the courtiers and people would come from all over the country. There was a Parliament, but it was give and it was take and so on, and the Queen would say, “No way. We’re not doing this,” or the King would say, “No way.” All of a sudden, someone would nudge him or her and say, “You know, you best do this, because if you don’t, you’re going to have a whole lot of trouble up north there.”

It’s evolved—slowly, slowly, slowly, slowly. You watch the British system, and it’s evolved. It’s still evolving; it’s still changing. I think that has to be your main concern, to—and you’re right: You have to seize occasions like this one, when there’s a minority Parliament, where it’s easier to sit around the table and discuss things—

#### 1000

**Ms. Lisa MacLeod:** Well, from time to time it’s easier.

**Mr. Claude L. DesRosiers:** From time to time—but to seize the moment, and always with the view of trying to help this evolving process. Sometimes it works; sometimes it doesn’t.

**Ms. Lisa MacLeod:** I have a quick question for you. Did you find, when you travelled with the McGrath commission, that that was actually a valuable experience for the members who were travelling, or was it just a junket? Because that’s the sort of issue that you have to confront, right?

**Mr. Claude L. DesRosiers:** Madame, I will tell you truthfully, I have always been, and I still am, a great believer in members getting out of this place or any other Parliament to go and see what happens in the rest of the world. It used to be that members from this institution, before I arrived here—and I had nothing to do with changing that—used to go far afield. Committees would go overseas and they would travel. But everybody’s sort of cut everything off, and that’s sad.

**Ms. Lisa MacLeod:** That’s my concern too, and I’ll relate an example here just in Ontario. I do have the concern, because I have been an advocate of us actually travelling to Westminster. If we’re going to do this right,

I think we need to do that, and this is coming from a small-c fiscal conservative.

That said, one of the things that I think has been a bit of a challenge for us is that even with internal travel in Ontario, our committees presently do not do what in my view is due diligence in going to communities where legislation may affect them. We just had Bills 13 and 14. We only did a day of travel. It was to the nation's capital, mostly at my behest, because I am from there and we had a high-profile suicide.

I look at different pieces of legislation where we actually have to take democracy to the people, and democracy does cost a little bit of money. I'm just wondering if you have any views on that. I mean, you just expressed them, and I appreciate that, but I'm wondering if there's a better way for us to connect with the public. I think there's merit, for example, in this committee actually travelling to some jurisdictions to see how it's working. But if we were to take it one step further in how this committee or any other committee could actually have, in my opinion, strength or teeth or whatever—I feel you have to have the strength and confidence and character to actually go to the people and listen to them, and we have not done that in a while.

**Mr. Claude L. DesRosiers:** I couldn't agree more. And to answer your initial question, yes, on the record, it was definitely a boon for members to visit Bonn, Paris, Westminster and Washington. Those were the four venues they went to. McGrath would not take the committee to Australia.

Mind you, there's a limit to what you can do here, but it's important that you get yourself out of the milieu where you live and abide every day and go and see what other people do, because everybody has the same preoccupation with doing the good of the people. But democracy is not cheap and should not be put in a cheap way. I can't put it any stronger. I think if you want a strong Legislature, it needs to be funded, and that involves a whole slew of things. It involves paying members well, it involves making sure that their offices are well staffed, and it involves making sure that members find a way to get out of this place now and then to compare how other people do things.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson—oh, sorry. Have you got another question?

**Ms. Lisa MacLeod:** Well, I just wanted—

**The Chair (Mr. Garfield Dunlop):** Okay, and then Mr. Bisson.

**Ms. Lisa MacLeod:** —to finish up on this line, and I do apologize. But in terms of a typical day, when the McGrath committee actually went to those three locations, what did they do? Did they meet with members? Were they doing what we're doing, having hearings? For them to come out with a product of substance, they had to have done some very substantive research.

**Mr. Claude L. DesRosiers:** Well, the way it works is that you have staff who prepare the doings. For example, it was 24 hours in Paris. There wasn't a lot of time there

for sightseeing or what have you. I'll be very specific: The hotel was right across le Pont de la Concorde from the National Assembly. The members walked to their venue early in the morning, spent all day at the National Assembly, walked back to their hotel exhausted at night and flew out to Westminster the next day. That was Paris.

**Ms. Lisa MacLeod:** And then what was the agenda like in terms of—

**Mr. Claude L. DesRosiers:** The agenda was meeting with committee Chairs in the morning, a lunch that was provided, and meeting with the Speaker's staff in the afternoon, because those were the two things that they wanted to look at in Paris. Mainly, what came out of there was—you're looking at extremes, right? There's no way that the House of Commons wanted to emulate the nature of the Speaker in Paris. But they wanted to see what that gives, and that was probably one of the most powerful Speakers on the globe. But they saw that.

**Ms. Lisa MacLeod:** What happened in Bonn and in Westminster? I promise: This is my last question.

**Mr. Claude L. DesRosiers:** That's fine. Bonn was very short. Bonn was a day as well, and it was visiting facilities. Mind you, I'll tell you: We should not have gone to Bonn. Bonn was always a halfway measure in Germany. It might be worth somebody's while to go to Berlin today. Members did have a heck of a lot more in Bonn than they had in the House of Commons.

The Westminster part was, I think, three days. Westminster, you see, has the advantage of having a very specialized and professional staff who put these things together very well. The staff of the committee did not have a lot to do in that sense, because you just turn it over to the Clerk of Westminster, and he has staff at his or her disposal to do this and to meet with members and to discuss—and you're talking the same language there. What they were really looking at at Westminster was the administrative system and the committee system.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson has questions.

**Mr. Gilles Bisson:** Merci, Claude. Tu es toujours le bienvenu parmi nous.

I've got a bunch of questions. Let me start with delegated authority. Over the years, we have very much moved from drafting bills where there was little in the way of regulation to where, essentially, everything is left to regulation now. Your thoughts on that first, and then I want to get into a little bit about how you deal with that.

**Mr. Claude L. DesRosiers:** For a long time now, here, in Ottawa and in Westminster, very little has been done with regulations and so on. It's pretty scandalous. It's true that more and more is done by regulation, so as time goes by, it's more and more scandalous. But again, in the olden days, a committee used to sit down and look at this stuff. They don't anymore, and that's unfortunate and so on. I think maybe you want to start doing this in a more regulated way. McGrath looks at a system—but with McGrath, you're already talking nearly 30 years down the line, so things have changed.

It's hard to look at regulations. It's hard to ask a committee of this House to take the time necessary to scrutinize regulations. You need a system; you need something to fall back on where you can ask people to look at them and report to you, because you don't have time to do it; there's just no way. But there could be a system put in place to do a better job than is done right now.

**Mr. Gilles Bisson:** But when you say that there's no time to do it, again, I hearken back to when I first got here. There was very little that was regulation. Almost everything was spelled out in the bill. It's only because now, we've shifted the power to the executive by way of allowing them to write the regulations that we find ourselves in this.

It's a question of will, I think, on the part of the drafter of the bill to decide how much they want to leave to regulation and how much they want to leave to—so my point is: Obviously, it's to the government's advantage to leave most to regulation; then you can do what the heck you want at the end. But that being the case, is there, in your mind, any mechanism—for example, when we go through the committee process, if we had something that said okay, once the bill is drafted, here's what the intent of the bill is but the regulation package of that bill has to come back at one point so that there is some public scrutiny.

1010

**Mr. Claude L. DesRosiers:** There were those types of things that would have to be treated by standing order or by legislation that could be put into place; yes, absolutely. That would be part of a system to control. But the decision to decrease the importance that executives are putting on regulations today is a political decision.

**Mr. Gilles Bisson:** We have the legislative and regs committee, which allows members to be able to pull out of the Gazette any particular regulation you want to see. The difficulty with that is that it's very prescribed, what you can and can't do when it comes to that regulation. I'm just wondering about your thoughts in regards to, should we be looking at how we change some of the prescription that you find in the standing orders so that in fact it does allow not only a better scrutiny but possibly a little bit more time to be able to have stakeholders come in and speak on regulation and possibly amend regulation?

**Mr. Claude L. DesRosiers:** Well—

**Mr. Gilles Bisson:** Because after all, the power to do that came from the Legislature, right?

**Mr. Claude L. DesRosiers:** Absolutely. It still does. But this is will. If the House decides that it wants to do this, it can. Now, I'm a bit of a doubter in that sense because I think that there have been mechanisms for members to scrutinize regulations since forever but members have more interesting things to do. Do you understand what I'm saying? So in answer to your question, yes, you can do this. I'm not sure that it's going to be—

**Mr. Gilles Bisson:** Well, I would argue on the other side, before I get to the next question, that it's only because now we've grown accustomed to where—

*Interruption.*

**Mr. Gilles Bisson:** Je m'en viens dans une minute.

It's only because over the years we've actually moved away from the importance of committee, and this place has become, in my view, much more political because members' time is much more taken up with political work versus legislative work. So I think it's a matter of culture that you have to change would be my point.

Ma deuxième question—you may want to grab your translators as I'm about to do this. L'autre fait affaire avec la dernière fois qu'on a changé nos ordres de l'Assemblée. On a fait une séparation entre la période des questions et puis ce qu'on appelle « orders of the day ». Dans ton estimation, c'était mieux de garder ces deux affaires-là ensemble, attachées?

**M. Claude L. DesRosiers:** Moi, je suis un traditionnaliste. Comme j'ai dit au début de ma présentation, ça me serait très difficile de vivre dans votre environnement aujourd'hui, parce que pour moi, j'ai même eu de la difficulté à accepter lorsque le gouvernement Peterson a devancé la séance de la Chambre pour la commencer à 13 h 30 au lieu de 14 h, parce que pour moi, la période de 14 h à 15 h, 15 h 30, c'est une période intensive où il y a la période des questions et puis il y a un tas de procédures qui s'ensuivent qui forment un peu la clé de la journée politique à Queen's Park. Et puis, si on veut faire plus de législation, plus d'heures de législation, puis enlever les heures de séance le soir, et cetera, qui échouent tout le temps, à ce moment-là on se sert de l'avant-midi pour de la législation. C'est une erreur pour moi de—mais comme je vous dis, je suis parti avant que ça ne se passe. Lorsque j'ai entendu parler de ça, je n'ai pas pensé que c'était une très bonne idée, mais je n'ai pas eu à le vivre.

Alors, je n'ai pas de commentaires plus précis que ça.

**Mr. Gilles Bisson:** L'autre question fait affaire avec le bâillon, le fameux bâillon qui était introduit et renforcé par les trois partis politiques assis autour de cette table, premièrement introduit comme concept par les libéraux, qui a été fortifié par nous, qui a été changé par les conservateurs encore. Dans ton estimation, enlever le bâillon fait quoi pour l'Assemblée?

**M. Claude L. DesRosiers:** Je pense que vous avez besoin d'un bâillon quelconque. Il y a besoin d'un mécanisme. Il n'y a pas un parlement au monde, à ma connaissance, qui n'a pas de mécanisme précis pour mettre terme à un débat. Et puis je pense que c'est dans la façon dont s'exerce ce bâillon-là : est-ce qu'il doit être plus radical, moins radical? C'est une question de règlement.

Dans le système parlementaire britannique il y a une règle de base qui remonte au temps des rois : au bout de la ligne, c'est le gouvernement, c'est l'exécutif, qui va avoir raison d'être. Et puis, ce que vous voulez savoir, c'est jusqu'où va la ligne. Comprenez-vous? Au bout de la ligne, c'est le gouvernement qui va avoir raison, c'est

l'exécutif qui va avoir raison— combien de temps va durer le débat, combien de temps va durer—

**M. Gilles Bisson:** Mais au début, pour la majorité de ta carrière ici comme greffier, il n'y avait pas de bâillon.

**M. Claude L. DesRosiers:** Ça a tout le temps été, ça existait.

**M. Gilles Bisson:** Tu peux demander—tu peux avoir une clôture à 19 h 30. Tout ce concept-là, ce n'était pas en place. Je me rappelle, en 1990, c'était plus les partis mêmes. C'était un gouvernement majoritaire; tu devais, sans avoir de clôture comme aujourd'hui, trouver des ententes avec les autres partis pour être capable d'avancer l'agenda législatif.

**M. Claude L. DesRosiers:** Non, je ne suis pas d'accord avec vous. Je pense que ça a tout le temps existé. Si vous remontez à très loin—comprenez-vous, on ne peut pas isoler un parlement des autres parlements dans le système britannique. La notion de bâillon, c'est un moyen pour mettre fin à un débat, alors les législatures canadiennes et britanniques ont tout le temps eu des moyens pour mettre fin à des débats.

**M. Gilles Bisson:** Je suis d'accord. Tu as le bâillon que tu peux faire pour demander—like, to call the question. Ça, je le comprends.

**M. Claude L. DesRosiers:** Ce n'est pas seulement ça—ce n'est pas ça que je veux dire. Je veux dire qu'il peut y avoir une motion mise de l'avant pour mettre fin à un débat.

**M. Gilles Bisson:** Mais ce n'est pas quelque chose qui était fait comme d'habitude.

**M. Claude L. DesRosiers:** Mais il n'y a pas d'habitude là-dedans, monsieur Bisson. C'est que vous—

**M. Gilles Bisson:** C'est rendu l'habitude.

**M. Claude L. DesRosiers:** Ça, la fréquence avec laquelle on s'en sert, c'est autre chose. Comprenez-vous? Ce n'est pas le fait que ça existe. C'était peut-être un fait de fréquence, mais on se plaint de fréquence depuis que j'œuvre dans ce domaine-là.

Je vais vous raconter une histoire. Dans ma tête à moi, il faut se placer avant 1968 et après 1968, partout au monde, parce que le monde a changé en 1968. Moi, je me souviens d'un président de la Chambre, Lucien Lamoureux, qui était président de la Chambre en 1968, et puis lui, un homme qui n'était pas grand—it était assez court—se levait debout comme ça, les deux mains jointes. Et puis il y avait un silence complet qui se faisait dans la Chambre automatiquement. Ce qui est arrivé, c'est que les gens qui étaient à l'université, qui étaient dans le monde, les jeunes qui étaient « out and about » dans les années 60 se sont fait élire dans les années 70. Et puis pour eux, il n'était plus question d'autorité inhérente; ça n'existe plus. Un président avait beau se lever, les mains jointes, ou bien en criant, ou bien en tapant du poing—non, on n'en voulait plus.

Alors, à ce moment-là se sont développés des mécanismes, des habitudes, et puis le respect inné—écoutez, avant 1968, pour aller à l'université, je devais avoir une cravate. Après 1968, je pouvais me montrer à l'université avec un jeans troué. Le monde a changé

complètement. La notion d'autorité est disparue, et puis quand on ramène ça à un système parlementaire, il faut changer nos règles, il faut changer nos attitudes, parce que la simple autorité ne fonctionne plus. Puis, à ce moment-là—and je pense que c'est à ça, monsieur Bisson, que vous faites référence indirectement, parce qu'il y eut un temps où on n'avait pas besoin du bâillon, sauf dans des moments extrêmes. Et aujourd'hui, on a besoin du bâillon de plus en plus pour faire avancer la législation, parce qu'on prend pour acquis que le rôle de l'opposition—and vous avez tous été l'opposition, chacun à votre tour, ici—c'est de bloquer la législation. Ça, c'est du point de vue du gouvernement, de l'exécutif.

## 2020

Du point de vue de l'opposition, ils voient la chose complètement à l'inverse. Ils disent : « Nous, on est ici pour empêcher le gouvernement d'arriver à ses fins. » Comprenez-vous? Il y a un juste milieu là-dedans, si les deux partis, les deux côtés de la Chambre, peuvent s'entendre pour dire : « Notre rôle à nous, c'est de prendre la proposition du gouvernement et d'essayer de l'améliorer pour faire un meilleur produit, et puis de coopérer, tout le monde, à faire ça. » Et bien, d'accord.

**M. Gilles Bisson:** Et même ça, c'est la vue oppositionnelle, ces jours-ci.

**M. Claude L. DesRosiers:** Mais oui.

**Mr. Gilles Bisson:** You must have other questioners on the Liberal bench. I have others, but I don't know if they have other questions. I have a whole bunch.

**Mrs. Laura Albanese:** I have a question.

**The Chair (Mr. Garfield Dunlop):** Okay. Can we go to a couple over here—

**Mr. Gilles Bisson:** Yes, just be fair.

**The Chair (Mr. Garfield Dunlop):** Mr. Leal, did you want to go with yours first, then Mr. Balkissoon? Yes, go ahead.

**Mrs. Laura Albanese:** I have a question.

**The Chair (Mr. Garfield Dunlop):** I'm sorry, Laura. Okay. So we have at least three over here. We've got lots of questions.

**Mr. Jeff Leal:** It's good to see you again. Thanks so much for coming. I enjoyed the exchange of information between you and Mr. Bisson.

You talked about time allocation and the balance. The government of the day wants to move forward with its agenda and the opposition, of course, to hold the government to account and improve the legislation. Have you ever spent much time talking about programming motions as a way to replace time allocation, in that with a programming motion you've got benchmarks? You set it out—we'll say, for the sake of discussion this morning—over a month, and you say, “During that month, through a programming motion, these are the things that are going to be set out. We know at the end of the month we want to get royal assent or approval on bills (a), (b) and (c).” It provides the opportunity for the opposition to have meaningful input. That's their proper role, and I have great respect for that. But it really may get away from time allocation, which really gets the hackles up of

the opposition. I always chat with Jim Bradley on these issues because he has been on both sides and at times has used every tool available, depending on what side of the House that Mr. Bradley was on on any given day.

**Mr. Claude L. DesRosiers:** Thanks for the question. I'll go back to 1986, if I may.

**Mr. Jeff Leal:** Sure.

**Mr. Claude L. DesRosiers:** I came here in 1986. I was coming to a very different land. I did not know this institution at all. I knew Parliaments but I didn't know the culture here and so on. I was amazed. In the first Parliament that I sat through here, which was a minority Parliament, I was amazed by one thing. I would tell my colleagues this. I couldn't get over it. They never used the standing orders. It was amazing. And you know what worked? There was a wonderful institution here that still exists and was called the House leaders' meeting. You talk about programming: Well, the programming was done in the House leaders' meeting, and it was respected. That's the way it worked.

Then it broke down. When the majority came along in 1987, it broke down completely. I was amazed again. How could this wonderful institution, which had worked so well in the previous Parliament, have fallen completely down? Well, politics, I imagine, and there was less of a need to make things work. But there are places where they do have very strict programming. Again, I come back to McGrath, and this is one of the things we saw in Paris. I haven't checked, but it probably works the same way today.

House leaders meet in Paris, as they do here, once a week, and they program. They say, "Okay, so many hours, so many hours, so many hours, so many hours. Vote, vote, vote, vote." They write this down, and they all put their signatures to it. Then they give it to the Speaker. It's the Speaker's job to put it in place. The Speaker will stand up and say, "Oh, listen, I have a program here, signed by the three or four or five House leaders. It says that after three hours of debate on this bill, we put the question"—end of story.

So yes, programming, but again, I mean, you're talking good will, and you're talking all kinds of things and so on. Those are two extremes that I just illustrated: a time and place where three people would sit down and program and make it work. They didn't give their things to the Speaker or anything; they just made it work.

**Mr. Jeff Leal:** As chief government whip, I get to attend the House leaders' meeting now, and I thoroughly enjoy it—

**Mr. Claude L. DesRosiers:** Okay, here's—

**Mr. Jeff Leal:** I wanted to follow up—I'm sorry, you keep going because I've got a follow-up—

**Mr. Claude L. DesRosiers:** Just one last thought on this: One of the problems that I sort of put my finger on after 1987, when I said, "How come this is not working anymore?" was because instead of three people around the table—whoops!—you had a whole bunch of people around the table. I think that one of the great things about being close to Legislatures and close to Parliaments and

so on and sitting at a table in the centre of the place is that you can see wonderful things happen, and you can see people that can be at each others' throats and so on during lively debate and then be the best of friends afterwards. That's the way it should be. But it has its ups and downs.

What you need to find is, yes, a programming something, but you need to find a way where it will be respected. I was once a fan of giving the list to the Speaker. I don't know if that would work or not. You know, you need something to—respect amongst yourselves is key and so on.

I don't know; I'm just a lowly former Clerk. I often scratch my head and say, "Oh, my gosh, keep this for the election."

**Mr. Jeff Leal:** I'm a big fan—Mike Pearson was my hero, and I've studied his minority government from 1963 to 1968 closely. It's interesting when you look at that period of time. You talk about the House leaders; the House leaders set the agenda. It wasn't particularly the executive and the cabinet. Mr. Pearson operated with a PMO in those days of 10 people, and it was quite separate. They handled that side of things.

The legendary comment was, "You check it with Allan J." who was the legendary Liberal House leader—right?—Allan MacEachen. Everybody said, "You check it with Allan J." because he was there with Mr. Diefenbaker's House leader and Mr. Douglas's House leader. At a time when you had the most acrimonious debate in Canadian political history, they would—but they were able to get it done, right? The House leaders, in fact, ran the parliamentary arm of the government of the day in Ottawa.

**Mr. Claude L. DesRosiers:** Absolutely.

**Ms. Lisa MacLeod:** And you had a strong Nova Scotian there.

**Mr. Claude L. DesRosiers:** Yes, he was.

**Mr. Jeff Leal:** The dour Scot from Cape Breton.

**Mr. Claude L. DesRosiers:** Former Jesuit, too—

**Mr. Jeff Leal:** And a great guy.

But the issue really was, there was a much greater distinction. Everybody now defers to the centre, whether it's the centre of the government of the day or opposition or third party. In fact, the House leaders have, I think, lost power in that particular situation, where they should have the power to make it work—an understanding between three honourable people to make the House work.

**Mr. Claude L. DesRosiers:** I totally agree. You know, you can devise all the systems in the world and so on, but you've got to get down to basics of, you're all honourable men and women who have been elected by the people of Ontario to come here and do the work of the people of Ontario. Yes, you have to go back to the people of Ontario every four years to get re-elected. That's fine. That's a separate process. But once you're here, you have a responsibility to make the darn thing work, and yes, give more power to get people out of that room.

1030

I'm sorry; I'm not aiming at you, I'm just saying—just make sure that the three House leaders have impetus, and once they've made a decision, they can look at each other in the House when somebody's about to break the deal so that something happens—that it doesn't happen.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, you had a quick comment on that.

**Mr. Gilles Bisson:** Just a quick point, and I agree with you wholeheartedly, because where we did actually get things done this spring was through the programming motion which was negotiated with the three House leaders—

**Mr. Jeff Leal:** That's my point, Gilles.

**Mr. Gilles Bisson:** —and we purposely kept people out, for that reason, because if it's too big, it's unmanageable.

**Mr. Claude L. DesRosiers:** Can't do it.

**Mr. Gilles Bisson:** Exactly.

**The Chair (Mr. Garfield Dunlop):** Thank you. Mr. Balkissoon?

**Mr. Bas Balkissoon:** Good to see you again, and thanks for being here.

I've been in the municipal world, and then I came here. I'm thinking that I've observed some changes over the years. Strictly, when I first joined municipal council, none of it used to be broadcast. We used to get business done in a hurry because everybody wanted to be in and out.

Then I became a member of the amalgamated city, and committees were broadcast, and it was total chaos, because the political members used that medium to make their points in legitimate debates or, in other cases, just to grandstand.

Similarly, I see the same situation here, not by all members, but there are certain people that do it on a regular basis. Then I started seeing committees being broadcast out of here, in the short period of time that I've been here, and I'm seeing the same behaviour.

If I go back to what you're saying about the 1960s, the 1970s, the 1980s and the 1990s, and then I go back and remember when I first came to this country, there were only a couple of media outlets—there were two or three newspapers; there might have been five multiethnic newspapers; and there were only a couple of TV stations. Now there's huge competition in the media outlets, and I personally believe that a lot of things that are being done here are to satisfy the media. I just wondered if you could give me your comment.

**Mr. Claude L. DesRosiers:** I remember very much when television was brought into the House of Commons. It was a mess. I regret that day. I remember spending my question periods, at that time, in order to prep the people who were handling the cameras to—I'd have a window on the House and I'd say, "Member for so-and-so; member for so-and-so," because I knew all the members—I used to call divisions—so they could prep their cameras to these people.

Again, a huge difference in the timing and in the times. One of the big things in Ottawa prior to television was the press gallery. It had importance. It had names. It had people with good heads who worked very hard, who knew what the dickens was happening on the floor of the House. They knew why it was happening. They would communicate that, either through written press or television or radio, to the people. With television, that has disappeared. All respect due to the people I know in the press gallery and so on: They are not the same people. It's not the same job, and that is unfortunate, because you have lost a whole bunch of people who understood what this place was about. You can't go back. You can't turn the knob.

**Mr. Bas Balkissoon:** But that culture change is affecting this place.

**Mr. Claude L. DesRosiers:** The culture change has affected the place enormously. Again, I can't put the emphasis too strongly on this. This is a pet theory of mine—it's really mine. I was at university in the 1960s, I saw the world change, and I know darn well that the people who started ringing bells in Ottawa in 1980 were the people who were at university in the 1960s.

Also, there's another situation that influences Parliaments: It's when the unthinkable happens. I've seen that twice in my career. The first time I saw the unthinkable happen was in the 1979 election, when they defeated Joe Clark in the House, and when Joe Clark was rather happy to be defeated in the House. I don't think he'd admit this, but I think he was, because he felt darn sure that he was going to go to the people and come back with a majority. It didn't happen. Not only did he not get his majority, he didn't get a government. Not only that, but across the aisle was Pierre Trudeau again, and not with a minority but with a majority. I mean, it was the end of the world.

Then they put Jeanne Sauvé in the Chair, and she was very unhappy. I know this because I knew her very well. I worked with her very closely. She didn't like the job, but Pierre Trudeau didn't want her in his cabinet anymore, so he gave her the Chair—because in those days, the Prime Minister decided who would sit as Speaker. And she was unhappy. She didn't like the job. Well, she had to face the likes of Erik Nielsen, and it just didn't work. The standing up like this and saying, "Please stop heckling," doesn't work. They're not about to stop heckling. And when Harvie Andre and Erik Nielsen ring the bells, walk out into the lobby, and Harvey Andre says to Erik Nielsen, "How long can we ring these things for?" and Nielsen says, "I don't know. Let's see." And off they run to a caucus, and they decide, "Well, let's play the game here." In those days, there was no limits to bells, because everybody came. Everybody came running when there was bell-ringing. Well, this caucus had decided it wasn't going to come running anymore—the end of the world. It lasted for two weeks, 10 days: ring, ring.

Amongst the clerks, there were two groups—the doves and hawks—giving advice to Jeanne Sauvé. I was with the hawks. I was advising Jeanne Sauvé, "Go in there,

shut the bells off and get the House going again.” The doves won. It lasted because she would say, “End of the story,” and the doves would say, “No, it’s a political problem. Let the politicians resolve it,” and that’s what happened.

The second time I saw this impossible thing happen was here, in 1990, when the unthinkable happened: David Peterson went early to election, thinking he’d renew his majority. It didn’t happen. And the worst of all possible scenarios happened: These people were sitting across the aisle, not in a minority but in a majority—impossible to behold. This would never—I mean, it was the end of the world. And so the Liberals were fit to be tied. The Bradleys of this world—forget it. You know, this is unheard of. Now, this was the second time. It was horrible. And the Speaker in the Chair, God love him, David Warner—you couldn’t handle these people. The place was wild.

**1040**

I followed Speaker Warner out of the House after question period and said, “Whoa, hold on. It’s nothing against you; these people don’t mind you. This is politics, okay? Let’s go have a Scotch or something.”

You have these extremes in parliamentary life and you have to deal with it and so on, but it all comes down to the basics and it comes down to history. I’m sure I’m right that at a certain time in our history, people who had been in university in the 1960s took over Parliaments and made hell. But that passes too. That’s not forever. Those people are grandfathers now, and they’ve been replaced by another—you now have a multicultural situation. You have more women in Parliament. These things change, so you adapt.

I’m reading about Elizabeth I these days. She’d meet Parliament and ask for money and so on, and she’d get it, but it would evolve. It’s amazing how it evolves, this thing. Her councillors—Cecil would say, “You can’t browbeat these people forever, because they’re going to hit you,” and he was right. So she’d back away, and finally, she said, “No more monopolies on wine, on this, on that. You can have that.” She was wise.

We’re getting very far, here. Back to questions.

**The Chair (Mr. Garfield Dunlop):** We’ve got a couple of more questions here. Speaking of more women in Parliament, we’ve got Laura and then back to Lisa—and then Gilles. Laura.

**Mrs. Laura Albanese:** Thank you, Chair. It’s really interesting to listen to the times you’ve experienced during your career. I was very taken by what you said at the beginning, the fact that you looked at principles. You decided to look at principles instead of the standing orders. Here, we’re trying to seize the moment and seize the occasion that we have to change things and to make them fairer for everyone. But sometimes, I feel we’re looking at too much. We’re having some difficulty zeroing in on things.

I would be interested to hear a little more about how you went from “more power to” to decisions that were taken.

**Mr. Claude L. DesRosiers:** Okay. In my time here, I would always—not always, but I would sometimes advise. What has been happening with standing orders is that—I used to compare it to my first watch, which was a Mickey Mouse watch. You had to wind them and so on, and my mother would say, “Don’t wind it too much” and so on. That’s what has happened with standing orders: You wind them, you wind them, you wind them. You block this loophole, you block that loophole, and then whoops, whoa, you’ve gotten yourself into a corner. So you back up a bit and then you go this way and that way. I often would say, “Why don’t you start over? This is the British parliamentary system as it has evolved in Ontario. Chuck the book away. Toss it away.”

There are certain very basic principles in the British parliamentary system that you can’t get away from. They’re constitutional. You can’t get away from these. You need three readings to a bill. You should send it to committee. You don’t have to, but you should send it to committee. So you establish: What are the bare bones here? What constitutes a Parliament? What do you need for a democratically elected institution to pass legislation? Because this is your business.

What’s a member? This is another fault that we’ve fallen into. What’s a member? Well, in the last 50 years, you will find that, more and more, members are representatives of the people. They do what the people at home want them to do. This is very much in contrast with the beginnings of Parliament, with the beginnings of the institution itself, where members were not representing their people at home. They were elected by the people at home, they came to Parliament, they participated in debate and they voted their minds. If the people back home didn’t like it, they would toss them out on their ear at the next election. We talked about the media and about this and about that and how much can you get away with that type of thing today. I don’t know. Please don’t talk about recall, because to me that is—you go down those routes and you’re in bad, bad trouble.

As I was saying, there are certain principles to the British parliamentary system that you have evolved over the years in your standing orders. Some of those standing orders you shouldn’t have on your books anymore. Don’t ask me to pinpoint them—I don’t know them anymore—but they used to be there.

I come back to what I was saying earlier. I was amazed in the first year I worked here. It was such a contrast with Ottawa. You didn’t use the book; the House leaders ran the show. You never needed the book. So I think there must be a way—and I don’t know; this is probably me speaking airy-fairy. I tend to do this, my wife will tell you. But there must be a way to go back to the basics and say, “Okay, we’re here. We’ve all been elected with a platform, under the wings of a party, and we’re going to have to do the best we can for the next four years, together. How are we going to do this? Do we leave enough time for play acting to make sure that the people at home know that we’re angry at each other?” That gets down to basics, you know?

Or is there a way? I think there is. I think you can sit down. I think you can write a system. I think you can get down and say—but it has got to be tried. To get back to what we did at McGrath, it was principles. As I said earlier, it was more power to, more power to, more power to. I think we were successful in recommending more power for the Speaker, and that's worked to a certain degree. I think he or she could be more powerful. I abide in that. But more power to the private member? Be careful. Be careful with private members, because—I think you have a good private member system here. I used to hate it—I did—because this business of having a vote at second reading on everything that comes forward to me used to be anathema. I used to cringe every time. I'd say, "Oh, we have to put this thing to vote. It's second reading, for God's sake. It's the principle of the bill." But, no, no, that's okay. I've changed my mind on this because you've left—so it's sent to a committee and you've left the government to bring it back, if it's going to survive. So that's okay; that's fine.

But don't try and build a parallel legislative system by the private member to that of the executive. Am I making myself clear here? That's not what private members are here for. Private members are here to influence the executive. I mean, we all wear seat belts in our car today because some member of the NDP in Ottawa every year used to propose the same bill. It never went anywhere, this bill, but it was picked up by the government one day and made their own. So we all wear seat belts because of this member. But I really counsel you against creating a separate legislative system by private members. That's not what the role here is. This is a British-style Parliament.

**1050**

**The Chair (Mr. Garfield Dunlop):** We have a couple of more quick questions, and then at about five to 11 we have to excuse you—

**Mr. Claude L. DesRosiers:** That's fine.

**The Chair (Mr. Garfield Dunlop):** —because we have a conference call coming in from England. If that's all right, a couple more quick questions.

**Ms. Lisa MacLeod:** Thank you very much, Chair. You know what? Your last statement was entirely something that I think would segue just beautifully into what I wanted to talk about. You said to be careful with more power to private members. Private members are here to influence the executive.

One of the things that we've talked about with our own Clerk from time to time was pre-1985 and the use of select committees in this House in order for private members to study, examine and then try to influence the government of the day on a major social issue or public policy issue. We recently had—and I mentioned this earlier—Bills 13 and 14, which mean nothing to you except they are anti-bullying legislation. It became clear to me that when we're dealing with a social problem that is affecting people who are younger than everyone that is in this chamber, we could have benefited from a good examination that was far more impartial, that could have,

I think, provided a better result. I viewed the whole process by which we looked at that legislation as flawed. I only use that as an example, not as sour grapes but as an opportunity that we could have had to use that select committee system to do exactly what you had just mentioned: influence, as private members, the direction of the government on that issue.

I would like, just from your experience, any examples of select committees where that occurred. Do you actually believe that, that we should be using select committees more, from your time here, to turn the temperature down, lower the heat and just get to work? Because I think a lot of private members would actually feel that their time here is more valuable if they were actually put to work on something substantive instead of trying to find a headline.

**Mr. Claude L. DesRosiers:** I totally agree.

**Ms. Lisa MacLeod:** Yes.

**Mr. Claude L. DesRosiers:** I think you should. I think committees are two-fold. There should be some—and it really doesn't matter what you call them; they're called various things in various Parliaments, but I categorize them as two kinds of committees. One kind of committee is tasked with studying legislation after second reading and making recommendations to the House as to whether certain sections of the bill should stand. This is a very technical job. It has to be done and so on.

The other type of committee, which has disappeared to a great extent, is what I call a subject matter committee. If you have a lot of people, a lot of members, you can have them created. You have certain committees on agriculture, on this, on that, on that. They exist, they meet, they have Chairs, they have budgets, they do what they want. But if you don't have enough parliamentarians—for example, in this Legislature—you create them as need be. You should create quite a few of them over the length of a Parliament.

**Ms. Lisa MacLeod:** Sort of ad hoc committees.

**Mr. Claude L. DesRosiers:** Ad hoc committees—and make sure that they do travel, make sure that they're staffed, make sure that they have money and that they do work that is going to be useful to the executive, to the people of the province, that will be instrumental in developing the political minds and the legislative minds of the members involved.

**Ms. Lisa MacLeod:** I just have one final question. Can you give us an example of a select committee, in this chamber or on Parliament Hill, where we've seen some substantive change as a result of that independent—not independent work but work of the collective parties who were far more impartial than they normally would be at a clause-by-clause hearing of a particular bill?

**Mr. Claude L. DesRosiers:** I'd have to think about this, but I can point you in the right direction. Go to the Senate of Canada. The Senate of Canada has the most distinctive select committee system in this country. They do very good work, and it's worth keeping the Senate just for their committee system—

**Ms. Lisa MacLeod:** I agree. I used to work for Senator Forrestall and Senator Buchanan.

**Mr. Claude L. DesRosiers:** These people do very, very good work on enormous amounts of subject matter, and their results are very good and are used. They don't make the 10 o'clock or 11 o'clock news every night, that's for darn sure, but they are very useful to the country.

**The Chair (Mr. Garfield Dunlop):** We have a couple of quick comments here; Gilles first.

**Mr. Gilles Bisson:** Yes, a couple: In regard to committees, I just have a question. I'm not sure when this got into the standing orders, but currently committees can only meet in the summer with an order of the House. Was there ever a time where it was just with an agreement of the House leaders?

**Mr. Claude L. DesRosiers:** I don't know. I think committees probably did meet more often in the past. When I came here, I think they did. But I think it was always at the behest of the House. In principle—and this is a British parliamentary system principle—committees are creatures of the House and sit at the control of the House.

**Mr. Gilles Bisson:** But your point in regard to allowing the House leaders to essentially order up what happens in the Legislature includes what happens at committee. So I'm just wondering, in light of that—

**Mr. Claude L. DesRosiers:** Absolutely. You could make this work.

**Mr. Gilles Bisson:** You could change the standing orders to say, "With agreement of the three House leaders, committees can meet in the summer"—that kind of thing.

**Mr. Claude L. DesRosiers:** You could make this work, as long as there's a decision of the House.

**Mr. Gilles Bisson:** I'd like to take on some of the things you said, but I'll just leave it at that.

**The Chair (Mr. Garfield Dunlop):** A final comment from Mr. Leal.

**Mr. Jeff Leal:** Claude, just review on the use of select committees for public policy development as opposed to using select committees for investigative purposes.

**Mr. Claude L. DesRosiers:** I don't know about this investigation stuff, but this is just a personal matter for me. I think committees as a whole can do a lot of work.

You need money. Out of McGrath was created what they called a liaison committee. The board of internal economy—read McGrath on this—would pass a sum of money in the budget every year for committee work. Then committee Chairs would form what they called the liaison committee. The liaison committee would meet once a month or something, and they would regulate how the money was spent. If there was \$1 million for committees, the Chair would decide, "So much committee," and so on and so on and so on.

These were permanent committees. They weren't ad hoc committees; they were permanent committees, and therefore there was a permanent yearly budget to it, and

the various Chairs would decide how the money was spent. This was a great idea; I don't think it lasted.

With the size of this Legislature, you need to work more ad hoc with your committees. As a citizen of Ontario, I know that there are a lot of subject matters that would benefit from the study of members of this House in any given year.

**The Chair (Mr. Garfield Dunlop):** With that, I can't thank you enough for coming in on short notice. What an interesting conversation. I'm glad it was question-driven because, obviously, you had the answers.

Lisa, did you—

**Ms. Lisa MacLeod:** Thank you very much, Mr. DesRosiers. It was really nice to see you again. It was very informative. I think every Parliament, regardless of what year it is, would benefit from having some institutional background like we just received today. I think that I speak for everybody in saying thanks, but also, if possible, if we could call on your assistance from time to time, we would very much appreciate that.

**Mr. Claude L. DesRosiers:** Sure; I'm not far. I'm down the road.

**Ms. Lisa MacLeod:** Excellent. Chair, given what a great job this was and how—Mr. DesRosiers mentioned that it's like a watch: When you wind up some of these standing orders from time to time, it actually creates unintended consequences. I'd like know if we could direct the Clerk, and I guess other clerks, to do analysis for us on the impact of the rule changes from the mid-1980s until the present day. I know that that reflects my party, the Progressive Conservatives, the New Democrats and the Liberals, who have had majorities from time to time and who've done that sort of winding up. If the clerks' office could provide their assessment in a report to members of this committee before we travel to Ottawa, that would be very helpful.

1100

I want to thank the previous Clerk for coming in because I think he made a point that was very important, that maybe we have a few things that are broken and we may have to go back to some basics here. Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Okay, thank you very much.

#### MR. LIAM LAURENCE SMYTH

**The Chair (Mr. Garfield Dunlop):** All right. So we'll get prepared for the next conference call.

Good morning.

**Mr. Liam Laurence Smyth:** Hello. It's Liam Laurence Smyth here.

**The Chair (Mr. Garfield Dunlop):** Good afternoon, sir. Can you hear me?

**Mr. Liam Laurence Smyth:** Certainly. Yes. My name is Liam Laurence Smyth.

**The Chair (Mr. Garfield Dunlop):** Hi. Thank you very much, sir, for joining us. It's about 11 o'clock in the morning here in Toronto, Ontario. My name is Garfield

Dunlop. I'm the Chair of the committee. I'm joined by members Lisa MacLeod from the Progressive Conservative Party; Jonah Schein from the NDP; Gilles Bisson from the NDP; Jeff Leal from the Liberal Party; Reza Moridi from the Liberal Party; Bas Balkissoon from the Liberal Party; and Laura Albanese from the Liberal Party as well.

Can you hear me fine, sir?

**Mr. Liam Laurence Smyth:** Yes. Good afternoon. Yes, that's fine.

**The Chair (Mr. Garfield Dunlop):** Thank you. The intent of our committee is that we're doing a review of our standing orders here at the Standing Committee on the Legislative Assembly. We're just looking for feedback and for some of your comments on how you operate in your jurisdiction and on how we might improve in our jurisdiction by listening to people from other jurisdictions, and of course right from here in Canada as well.

**Mr. Liam Laurence Smyth:** Yes, Chair. I'm sorry Robert Rogers, the Clerk of the House of Commons, is not available just now. I am the Clerk of the Journals. He and I together both append our signatures to the standing orders of the House of Commons. I think the Clerk of the Journals' role is that he's the guy who has the long historical memory, and in practice my office deals with privileges and procedure, petitions, precedents, to advise the House on its own rules.

**The Chair (Mr. Garfield Dunlop):** Thank you very much. We know that you have no prepared statement or anything like that, sir, but we can ask you some questions, if that's all right. We have up to about an hour of your time, if that's appropriate.

**Mr. Liam Laurence Smyth:** Yes, certainly. I just wanted to say that I'm a senior non-partisan parliamentary official. I've been a clerk of the House since 1977. I'm one of the clerks at the table. I have a broad knowledge of parliamentary procedure. I'm very happy to help you on any inquiry you have.

**The Chair (Mr. Garfield Dunlop):** Well, thank you. We just heard some comments from Claude DesRosiers, our former Clerk here at the provincial legislature at Queen's Park, and he commented on some of the good work that your organization and your particular branch of the government does in Westminster.

If we could, we have some questions that we'd like to ask you.

**Mr. Liam Laurence Smyth:** Certainly, yes.

**The Chair (Mr. Garfield Dunlop):** I'm going to start out, sir, if you could answer questions from Mr. Gilles Bisson, who is with the New Democratic Party. He has the first question for you.

**Mr. Gilles Bisson:** Good day, sir. Gilles Bisson here, of, I guess in your terms, the Labour Party.

A couple of questions that I have are in regard to your committee process. Our current committee process is pretty rugged, not a bad one, but I'm just wondering, because you have the large numbers of members, you have a pretty robust committee system over there. I'm just wondering, is there anything in particular other than the

numbers that is interesting in regards to how you approach committees?

**Mr. Liam Laurence Smyth:** Yes. I think we have a binary committee system. On the one hand, I would have the general committees, and on the other, the select committees. To take the general committees first, they are like the chamber itself in miniature. It's an extremely formal process: Members stand to speak; they debate; they contest; they vote. So there's a public performance of an adversarial process, which certainly has its place, and most of our legislative activity happens through those committees.

**Mr. Gilles Bisson:** Do the vast majority of your bills go through committee?

**Mr. Liam Laurence Smyth:** Yes, and the select committees, by contrast, are smaller groups. They are far less partisan in their behaviour. They typically sit around a horseshoe, I guess much like you're doing now; question and answer and engagement with the outside world, often producing consensus reports which shift on the policy debate. So the same members of Parliament take part in these two kinds of committees but they behave in two different ways.

**Mr. Gilles Bisson:** The ability for the committee to meet in the intersession when the Parliament is not sitting is by order of the House?

**Mr. Liam Laurence Smyth:** No, the committees have leave to meet, notwithstanding any adjournment of the House. So there would only be something like five days a year, when we have our regular annual prorogation—and that's normally just over a weekend—when there's literally no Parliament and the committees can't sit. So the committees have freedom to sit in the rest of the year. General committees, these highly partisan debating committees, never do. They only sit in term time. Select committees generally stick to sitting weeks, but they certainly have the power to travel, which they do in recess times—

**Mr. Gilles Bisson:** Can I back you up, because I just want to understand something. When you talk about partisan committees, I understand there are select committees and then there are committees of the House. Is there a difference with your other committees? The ones that are hyper-partisan that only meet when the House sits, are they different than other committees that would sit except for when you're prorogued?

**Mr. Liam Laurence Smyth:** Yes, I'd say the general committees are the ones that are nominated by a committee of the House, the committee of selection which, in effect, rubber stamps the decisions of the party whips; you know, who will sit on the finance bill or the committee on the latest VAT change order. So there's a whole scale of these committees, whereas the select committees, on the other hand, are elected by the entire House. Their Chairs for the select committees are elected by a secret ballot of the whole House, whereas for the general committees, the Chair is nominated by the Speaker from a panel of senior members. So the two committees behave in very different ways.

**Mr. Gilles Bisson:** Did I understand you correctly: Your Chairs of your select committees are elected by the House?

**Mr. Liam Laurence Smyth:** This is a new reform which has been, I think, hugely successful. The parties decide amongst themselves who gets which committee to chair, so there is still an element of backroom deal about it, but the Speaker decides how many Chairs each party's going to get. They look at the result of the election, the Speaker decides how many Chairs each party's going to get, the parties decide which they're going to be, and then the whole House votes. But only the Liberal Democrats could chair the international development committee, and in fact they only put forward one candidate. The Conservatives could chair the treasury committee; they have two good candidates. Only the opposition could chair the public accounts committee, and there must have been at least four candidates for that.

And so the Chairs of the select committees are now very powerful figures, because they feel a certain sense of entitlement because the whole House has voted to put them there.

1110

**Mr. Gilles Bisson:** So that would then mean, by virtue of the Chair being elected by the entire House, that committee has a bit more weight, I guess, in a funny kind of way.

**Mr. Liam Laurence Smyth:** Definitely. The House insists that each party caucus use the democratic method to choose their own members, although the parties have different ways of doing it, and then the whole House approves the slate between them that party caucuses bring to the floor of the House. So it is now a more open process of how you get to be on a select committee—less in the hands of the party whips.

**Mr. Gilles Bisson:** And the committee orders up its own business except when a bill is referred to it? How does the committee deal with its business? Because it may have more than two or three bills referred to it, how do they decide—

**Mr. Liam Laurence Smyth:** The typical template select committee is meant to examine the expenditure, administration and policy of a government department and its associated bodies. So they are ministry-facing committees. They can decide what they want to do, and they are—

**Mr. Gilles Bisson:** Just a question: So they kind of do estimates or public accounts wrapped into one, these select committees?

**Mr. Liam Laurence Smyth:** No, we do have a public accounts committee. These select committees, the departmental committees, which are created and lively and consensual and innovative, lack real power. The general committees, these sort of partisan, adversarial committees I'm talking about, they are the ones who debate bills line by line. They have the power, but they are completely under the thumb of the party whips. The party whips decide on their composition, the government makes sure they win every vote, and because in those

committees, the general committees on bills, the votes really matter, they'll make a difference.

So we have these two kinds of committees: the ones that are adversarial and powerful, but ultimately rather sterile; and the select committees, which our members enjoy—they find them creative and stimulating—but are ultimately without authority. They can only hope to influence by the skill of their inquiries.

**Mr. Gilles Bisson:** I hate to monopolize, but I'm really trying to understand something. Your select committee essentially has the authority to say, "Okay, we're going to review the expenditures or the policies of a particular ministry."

**Mr. Liam Laurence Smyth:** Yes. In fact, they don't trouble themselves too much about expenditure and admin; they like to go for the big policy headlines. They decide what they're going to inquire into.

**Mr. Gilles Bisson:** Okay. There may be other questions. I don't want to monopolize, so we can go around.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Smyth. Now Mr. Leal, from the Liberal caucus, has a question for you.

**Mr. Jeff Leal:** Thank you, Mr. Smyth, for being with us this morning. We do know that all eyes will be on London in the not-too-distant future with the Olympics, and we wish you all the very best.

**Mr. Liam Laurence Smyth:** That's very kind.

**Mr. Jeff Leal:** I want to go back to issues that were raised by Mr. Bisson and the role of select committees and regular committees. Do the select committees look at policy issues through deliberations to make recommendations to ultimately try to influence the executive of the government of the day?

**Mr. Liam Laurence Smyth:** Exactly. These policy select committees hold hearings, go on visits occasionally, and then they meet in private to craft a report which will review the evidence they have received and make recommendations more or less on consensus, with votes where necessary, and they will then publish a report, a book containing their conclusions. It's a very different kind of process from the powerful general committees on bills, which hold debates in public, arguing line by line on amendments to the text.

**Mr. Jeff Leal:** Many of us certainly watched with interest the issue of the relationship between the Murdoch media chain and the government. Was that the purview of a select committee, or was that a regular government committee that did that review? I'm trying to differentiate between public policy issues and issues where there was a topic that came up that needed a thorough investigation just because of the nature of what was part of that topic under investigation.

**Mr. Liam Laurence Smyth:** That committee is the committee on the Department for Culture, Media and Sport. It's their responsibility to have overview of the Olympics and of the regulation of gambling. These are issues that they are currently dealing with. They are also interested in the regulation of the press, the ownership of the media, which that ministry has oversight of. Although

they were technically supposed to be focused on what the ministry is concerned about, inevitably these committees get engaged in the entire policy field which that committee addresses.

All the time, inquiring into the conduct of the News Corp. operation, the thread bringing them back should be, "What are we going to do about it, and what do we expect the ministry to do in terms of policy about it?" So their recommendations, in the end, come back to, "Therefore, we think there should be greater press regulation" etc.

**Mr. Jeff Leal:** So the issue then was the concentration of media ownership that they were looking at from a policy perspective, am I correct?

**Mr. Liam Laurence Smyth:** Yes, and the regulation—the rights of the individual person, the press standards, what happens if somebody wants to complain about the invasion of their privacy.

**Mr. Jeff Leal:** If I could just shift gears for a minute, sir, I want to ask about question period. At Westminster, how many times a week do you have question period?

**Mr. Liam Laurence Smyth:** It's every day except Fridays. We only meet on 13 Fridays a year. Every day starts with an hour of questions on a rota, and the only person who answers question every week is the Prime Minister, and he does 12 to 12:30 on Wednesday.

**Mr. Jeff Leal:** Could you just repeat that, sir? I think what you were saying is the Prime Minister is only there once a week and answers questions on Wednesday, but I just want to—if you could confirm that.

**Mr. Liam Laurence Smyth:** The Prime Minister answers questions every week, and the other ministers are on a kind of cycle that will bring them in every fourth Monday, let's say. It's normally every fourth—every fourth Tuesday; a small ministry will get the Wednesday slot before the Prime Minister comes on. He's the only person who's there every week.

**Mr. Jeff Leal:** Are the questions pre-submitted in that when the Prime Minister would come on Wednesday, he or she would know the questions in advance to prepare the answers?

**Mr. Liam Laurence Smyth:** No. It's allowed to put a specific question on the written order paper to the Prime Minister. Most people don't bother. They would rather be able to be spontaneous on the day. The Speaker will definitely call the Leader of the Opposition six times during this 30-minute period. The 30-minute period is partly a contest of the party leaders. It's partly going through the list of the 15 members who are lucky on the ballot; they got their names on the order paper. And it's partly the Speaker's own choice of other members who he calls to ask. So there are different things going on in this question-hour period.

It's a very noisy time of the week. It's one that people pay a lot of attention to. It's one that certainly the Speaker feels we haven't yet got quite right.

**Mr. Jeff Leal:** Here in the Ontario Legislature, typically in any question period, the government of the

day gets three questions. In Westminster, how many government questions are allowed?

**Mr. Liam Laurence Smyth:** The Speaker would alternate between the two sides of the chamber, so the government would get half. They perhaps, you could say, are slightly under-represented if they get half the time, even if they have a large majority. The Speaker would still be tending to alternate between the two sides of the House. I should make an exception that the Leader of the Opposition will be called as soon as he stands up; he doesn't need to wait his turn.

1120

**Mr. Jeff Leal:** You have a minority government situation, correct, right now in Westminster?

**Mr. Liam Laurence Smyth:** Because the Conservatives went into a coalition with the Liberal Democrats, between them they do have a majority.

**Mr. Gilles Bisson:** Tell him we're not interested.

**Mr. Jeff Leal:** Thank you very much, sir.

**The Chair (Mr. Garfield Dunlop):** I'm now going to go over to Ms. MacLeod from the Conservative caucus and then—

**Ms. Lisa MacLeod:** Hi, Mr. Smyth. My husband is actually going to be at Whitehall this evening, so he'll be in your fair city this evening. Of course, I look to get an update from him on how things are there.

I've got a question in the meantime. You had mentioned to one of my colleagues that the committee structure changed a bit in your House, whereby the House actually chose by secret ballot who the Chair and the Vice-Chair would be on each committee, I guess giving it more weight etc.

I'm wondering, when were the most recent changes to your standing orders or your parliamentary procedure at Westminster, and how did you go about it? I know that it's often a natural evolution. I would consider, for example, your assembly sort of the mother ship we all look to for guidance, because quite frankly you had a hand in creating all of us. I'm wondering how, from time to time, your members, private and otherwise, come to the decision that there needs to be changes through that evolution and then how they go about making those substantive changes.

**Mr. Liam Laurence Smyth:** It's often because there's a crisis. In the 1880s it was because of the obstruction by the Irish nationalist members. Where we are now is the result of the disaster that engulfed us in 2009 with the members' expenses crisis, which was a shattering psychological blow, very destructive to the reputation of Parliament.

As part of an attempt to recover the respect that the institution had lost, right at the end of the last Labour government a committee was convened of very experienced backbenchers chaired by Tony Wright, and the Wright committee report, I think very significantly, was called Rebuilding the House. The opposition at the time bought into their prescription and their diagnosis—as oppositions often do; they see the advantage in strong Parliaments—and then when they came into government

the leader of the House, George Young, has seen through most of that reform program.

Part of the consequence of the expenses disaster was the resignation of the former Speaker. The new Speaker is an extraordinarily energetic, dynamic figure, one perhaps who's less of a sort of non-partisan cipher than his predecessors, and he is also a very strong driver for reform and change. It was that sense of crisis, I think, in 2009 which drove through this latest wave of reform.

**Ms. Lisa MacLeod:** So just to be clear, then, effectively, the previous Labour government struck that committee. It convened and provided recommendations. You said that the opposition party which became government, so I'm assuming you mean the Conservatives, also put forward what I would probably consider a minority report. Correct me if I'm wrong—

**Mr. Liam Laurence Smyth:** It was a consensus report, pretty much.

**Ms. Lisa MacLeod:** Okay, and that consensus report has been ushered in since that time by the new David Cameron government?

**Mr. Liam Laurence Smyth:** Yes, and of course the fact that the party is a coalition party, the Liberal Democrats being our small third party, their experience for decades has been one of opposition. We now have in government, and with significant weight in government, a party which has opposition-mindedness right the way through it, so it just has a strong commitment to having a stronger Parliament.

**Ms. Lisa MacLeod:** Could you walk us through the procedure? Right now, we're in a minority Parliament, as you are aware, and we're taking this as an opportunity to review our standing orders and how we can make things better. Part of that, obviously, is speaking with you and others who are Clerks in other assemblies throughout Canada. I'm curious to know what the process was. Were there public hearings, or were there semi-public hearings where there were invited guests? Did your committee, for example, travel to other jurisdictions or bring speakers in? How long did that process take in order for what I would consider a substantive document to be tabled in your assembly?

**Mr. Liam Laurence Smyth:** The Wright committee was appointed in July 2009. It reported in November 2009. It did not hold any hearings, and it didn't travel. It had a good balance of very senior, experienced members on it, and mostly it was negotiation behind closed doors.

The package that they produced is one that a tired government facing the probability of a period of opposition could buy into; it's one that a small third party which has always been in opposition was enthusiastic about; and it's one that the large party not confident of winning the election, with a long experience of the frustrations of opposition, could also buy into. So the political timing I think was crucial. At that point, you had three parties, all of whom could sympathize with the need for stronger scrutiny of the executive. That's not always the way. When you have a strong, secure, dynamic new majoritarian government, they tend to see the

advantages of efficiency in passing bills quicker with less fuss. There is a kind of psychology about the politics of the moment.

**Ms. Lisa MacLeod:** What were some of the other changes that the Parliament experienced as a result of that report from the Wright committee?

**Mr. Liam Laurence Smyth:** The ongoing battle is over who controls the agenda, because where we are now is that the government controls the agenda, with some exceptions. What the Wright committee did is they have carved out a space for backbenchers to determine the agenda. We now have a backbench committee which listens to members who bid for debates. The backbench committee decides which topics it will choose, and the government provides—must provide by standing orders—roughly one day a week. On that day, whichever day it turns out to be, the backbench committee is the one that decides the business. That has been a successful change, and it's one that is now being reviewed by our own procedure committee. It may lead on, in time, to a different way of the government setting the agenda for the rest of the business.

**Ms. Lisa MacLeod:** This backbench committee would be, obviously, very powerful. How is the membership determined? Is that again a vote by secret ballot in the House? That would appear to be a very coveted position.

**Mr. Liam Laurence Smyth:** It is, and the woman who chairs it has made a huge success of it. Interestingly, on the Wright committee, she was a dissident. She was somebody who was highly skeptical about creating a new elite interest. But perhaps because of her skepticism, she has been somebody the whole House has tremendous faith in leading that committee.

**Ms. Lisa MacLeod:** Is the backbench committee staffed?

**Mr. Liam Laurence Smyth:** Only in a light way. The table office clerks provide a small secretariat, but it doesn't require a great complexity. They have an open meeting on, typically, a Tuesday lunchtime. Members pitch up; they make their pitch for a debate for a minute. They say, "This is an important subject, and I know I have 28 people across the House who want to speak on it. It's a very important area, and we haven't discussed it for three years." Then, someone else stands up and says, "We must have a debate because it's International Women's Day," or whatever the particular reason is, and they have to make their judgment.

1130

**Ms. Lisa MacLeod:** And we do something like that, in terms of proclamations and members' statements, but you're effectively saying that if a minister were to make a statement on International Women's Day, this backbench committee would sort of set that agenda on a certain day of the week, for example, on a Wednesday or something?

**Mr. Liam Laurence Smyth:** If there was a day available in March for backbench business, there would be a contest about—there would be a lot of bids for how

that time ought to be used. So the backbench committee can only allocate debates on motions that they put forward. They don't control the rest of the scheduling. They don't control members' statements, for example.

**Ms. Lisa MacLeod:** Just one final question, because I know our Clerk would like to speak with you: My colleague Mr. Leal broached the News Corp. hearings, and that obviously had people in Ontario and the rest of Canada very interested. I do have a quick question, because you answered one of them, which is, it was through a regular standing committee that those hearings did take place. I'm wondering, did the committee have the flexibility to meet at the discretion of the Chair, and how long were those hearings? Did they meet daily, what was the reporting mechanism, what were the powers that the committee had and do have to move and make recommendations and changes to improve that situation?

**Mr. Liam Laurence Smyth:** They met over a period of months, typically once a week. They would have a hearing lasting between one and two hours, and then the clerks would draft a long report, a review of all the evidence that they'd received. The committee would then argue over the conclusions of it. Then this sort of large book is published with their conclusions and prescriptions for how we should move forward in that policy area.

**Ms. Lisa MacLeod:** So were the meetings at the discretion of the Chair? Or was that decided by the government, and the—

**Mr. Liam Laurence Smyth:** Oh, no, it's nothing to do with anybody outside the committee. I think committees normally operate on a consensus basis. That does have a Conservative Chair—that is to say, from the government benches—but I think the committee themselves would agree on their own program.

**Ms. Lisa MacLeod:** Okay, that's excellent. Thank you very much. Enjoy the Olympics. We'll be cheering Canada on.

**Mr. Liam Laurence Smyth:** We look forward to it. Thank you.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, Ms. MacLeod.

Mr. Bisson, did you have another comment there?

**Mr. Gilles Bisson:** I'm going to let the Clerk—  
*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Back to Mr. Bisson, Mr. Smyth.

**Mr. Gilles Bisson:** Yes, a couple of questions. I've got my grandson on my knee; we have very young committee members here. It's an informal committee day here.

A couple of questions; one is in regard to this backbench committee. If I understand correctly, they would then determine the order of the House on a particular day.

**Mr. Liam Laurence Smyth:** Exactly, yes.

**Mr. Gilles Bisson:** I understand that. Now, your private members' process: Can you explain to me how that works?

**Mr. Liam Laurence Smyth:** Yes. We have 13 Fridays a year, and we have a ballot where the first 20 members out of a hat get the opportunity to present a bill. Obviously the first one out of the hat chooses the first Friday for their bill to go down. But there are only 13 Fridays available.

**Mr. Gilles Bisson:** Just before you go any further, once that member has been drawn, they no longer can go back into the ballot for the next draw, right? Until you're prorogued, I guess?

**Mr. Liam Laurence Smyth:** Well, we'd only have one ballot a year, so the first 20 out of the hat get the first pick of those 13 days, and thereafter private members on any day can present a bill. On Tuesdays and Wednesdays they can make a short speech asking the House to give them permission to present a bill. So by the end of the year we have about 200 bill titles that have been put before the House, of which, if there are 13 Fridays, we can say that maybe 30 will have had at least a little bit of debate, and probably two or three will get passed on to the statute book.

**Mr. Gilles Bisson:** The important point is, the private member gets a hearing in the House if they're lucky, but then, once they get a debate in the House, their ability to get the bill into committee and actually get work done on it is fairly difficult?

**Mr. Liam Laurence Smyth:** It is pretty difficult because if there's any kind of opposition at all, you would need to get a closure to finish the debate. To get a closure—and we have a House of 650 members—you've got to win the vote with at least 100 people voting on your side, and it's no easy job to have 100 friends here on a Friday. So you run the risk of failing at the first hurdle; you won't get your bill into committee. If you do get it into committee, that's okay, because you'll dominate the selection of who that committee's members are, as long as you respect the party proportions. The difficulty comes when you come back to the floor of the House for its report stage, because if you have any opponents at all, they can easily multiply the number of amendments that need to be debated to such an extent that you will run out of time.

So the bills that do get through are normally the bills that the government wrote in the first place and just didn't have time to put in the right program.

**Mr. Gilles Bisson:** Just to cut to the chase, if a particular member or caucus is trying to advance a particular idea or a concept that they wish the government to pick up into legislation, typically you would do it through this backbench process, this backbench committee, so that you can actually get a debate going. Then after that, hopefully the government can pick up on it if it's of their choosing.

**Mr. Liam Laurence Smyth:** Yes. It's a really useful part of a campaign. It's great to get the text of your bill printed at public expense. You can circulate it to everybody and say, "Spot the flaws in this," and you can come back year after year. It's got a place to play. Our next big

procedural review will be about private members' business.

I should say that we are voting on Wednesday next week about changing our sitting hours. There's a strong sense that the procedures we have need to be challenged. One thing we haven't talked about so far at all, which I feel I ought to mention, is the programming of time for government bills.

**Mr. Gilles Bisson:** Yes, I was going to come to that, so if you can just hold on that.

**Mr. Liam Laurence Smyth:** Yes.

**Mr. Gilles Bisson:** Just finish your thought, because I have another question to ask you before I go to the business of the House.

**Mr. Liam Laurence Smyth:** No, it's okay. I'm ready for this.

**Mr. Gilles Bisson:** Okay. The other thing just before—and I was going to get to the programming issue after. But the first one, I just want to chat with you, how much of a habit is it in Westminster that you delegate the authority of the legislation to regulation? Is that the norm or the exception?

Let me just explain by way of background. In Ontario at one time, very little was left to regulation. A bill was drafted in its form and it spelled out what the power of the minister was and what the act was supposing to do, and very little of it was left to regulation. Nowadays, pretty well everything is left to regulation, and I'm just wondering, what's the norm in Westminster?

**Mr. Liam Laurence Smyth:** I think the norm is for the act of Parliament to set out the broad principles within which the minister exercises powers to make regulations. If we get about 35 bills through a year, we will also see 2,000 regulations, orders, statutory instruments laid before Parliament, of which only about 200 will require an affirmative vote.

**Mr. Gilles Bisson:** Oh, so you actually vote on your regulation if—let me understand. If there are 2,000 regulations drafted, they're tabled with the House, and then the House decides which ones they want to vote on.

**Mr. Liam Laurence Smyth:** No, it depends on the original legislation; if the original legislation says the minister may by order make regulations, subject to approval by both Houses of Parliament. If it's a significant or important power, particularly if it's one that involves imprisonment or money, it is likely to require an affirmative vote. Most of the others are available for a negative vote, and a very small number are picked up by the opposition for challenge.

1140

**Mr. Gilles Bisson:** Maybe I need to follow up later on this, because we only have limited time, but do I understand you correctly that once a bill is drafted and regulation is drafted from that bill, all of the regulations come back to the House in some way? They're tabled with the House, I guess?

**Mr. Liam Laurence Smyth:** Yes, we would expect the minister to exercise their order-making power by statutory instrument. Statutory instruments have to be

laid before the House of Commons. We publish daily lists of the statutory instruments we receive. Some of them need to be approved.

**Mr. Gilles Bisson:** Okay. I'll get that information later.

Let me get to the programming motion. The business of the House itself: Is it essentially negotiated by the House leaders on a weekly basis or do they negotiate some form of programming motion? How do you proceed?

**Mr. Liam Laurence Smyth:** There's an announcement every week of the business for next week and the likely business for the second week. So we get two weeks' notice at a time, although the second week is a bit sketchy and draft. That is, at the moment, an obscure process where the leader of the House makes an announcement and responds to questions and challenges on the floor of the House, but the actual negotiation is entirely offline, behind closed doors. The proposal in the Wright committee is to try and make that process more transparent, something a bit more like our pioneering backbench business committee has done, where you can actually see how they reach the decisions on which items to choose.

When we talk about programming, what I'm thinking of is a guillotine for allocating the time to an individual bill. What I'm thinking of is the big debate we have next week on House of Lords reform—the big question that everybody is asking here is: Can the government win the vote on the program?

**Mr. Gilles Bisson:** I just want to tell you, I'm opposed to the House of Lords unless I get appointed. I want to be on the record.

Let me just get back to your—

*Interjection.*

**Mr. Gilles Bisson:** He just caught on to my—one of the Liberal members on the other side caught on to my joke.

In regard to programming, just to be clear, maybe the way we use the term "programming motion" is different here. We see a programming motion as essentially the House leaders sitting down and figuring out what the business of the House is going to be for a period of time. The last one we did, which was the first one we did that I can recall in this Legislature, essentially programmed about three weeks of business of the House. It was various bills: how much time at second reading, how much time in committee and how much time at third reading. That's essentially what a programming motion is. What I think I hear you saying is, it's more of a time allocation motion, is what you're talking about.

**Mr. Liam Laurence Smyth:** It is. Most of the time—so, 36 weeks a year—our days have a standard length. When we are sorting out the agenda, we have these standard-sized boxes of time on Monday, Tuesday, Wednesday, Thursday, and the question is, "What are we going to drop into Monday next week, and Tuesday and Wednesday and Thursday?" We don't generally tailor the length of time to each individual item of business. It's

much more a question of, "What's going to fill the hole on Wednesday?"

**Mr. Gilles Bisson:** Okay. I'm running out of time. I want to make sure the other members get a chance, so—

**The Chair (Mr. Garfield Dunlop):** And I want to make sure that the Clerk has a chance here as well.

**Mr. Gilles Bisson:** Well, I have other questions. I think Ms. MacLeod has some questions. I just don't want to take—

**Ms. Lisa MacLeod:** No, I concede my time to the Clerk.

**Mr. Gilles Bisson:** How much time do we have left?

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, go ahead and ask another question.

**Mr. Gilles Bisson:** Okay. I just didn't want to monopolize the time, that's all.

I just want to be clear: What you do is, your House leaders essentially agree to what's going to be listed as the business for the following week, essentially is what you do, and that's essentially by the House leaders. In this current configuration, I take it you have three House leaders or two?

**Mr. Liam Laurence Smyth:** Two, and the deputy government leader is from the smaller party—

**Mr. Gilles Bisson:** Okay, so the Lib Dems, because they're part of the coalition, don't have a House leader; they operate with the Tory House leader.

**Mr. Liam Laurence Smyth:** Yes, exactly.

**Mr. Gilles Bisson:** Okay. That's interesting. How do you deal with conflict? Let's say the government has a particular bill that they want to be able to pass and the opposition—in this case, Labour—says, "We want more time for debate"? Normally, does that get worked out by agreement of the House leaders, or is it time-allocated?

**Mr. Liam Laurence Smyth:** That's going to be the big question. Unusually next week, with the House of Lords, we're taking Monday and Tuesday for second reading debate, spread over two days. We have not yet seen the text of what the government is going to put down for how the bill should be dealt with after that. The speculation is that the government doesn't have a majority to limit the time of debate on that bill.

**Mr. Gilles Bisson:** How does your time allocation work there? It's by a vote of the House, just calling the question?

**Mr. Liam Laurence Smyth:** Yes. The motion is put down normally at the end of the second reading debate. It will typically say, "The bill will go upstairs to committee. It will come out of committee on a particular date, and remaining stages can be programmed."

Today, we're doing the last stage of the finance bill, which must finish by 11:30 tonight.

**Mr. Gilles Bisson:** So you can't time-allocate until after second reading? Am I hearing you correctly?

**Mr. Liam Laurence Smyth:** That's the normal thing that we do. In case of incredible urgency, you could timetable a bill before you had even seen it, which we might do for a really important, urgent bill that had to overturn

a court decision or deal with a terrorist crisis or something, but it's not the norm.

**Mr. Gilles Bisson:** So essentially, the opposition has got to pick what their debates are about and allow the government, in some way, to be able to get their agenda through the House? Is that the culture?

**Mr. Liam Laurence Smyth:** I think it is. I think they want a reasonable chance to put their case over. Members, in general, prefer some certainty. I think that is a big cultural shift across all parties in that members, in general, don't think it's clever to keep talking until 4 o'clock in the morning any longer. There's just a lack of appetite for that kind of inward-looking parliamentary behaviour. People are much more conscious now of how Parliament looks in the media.

**Mr. Gilles Bisson:** The House can continue sitting, so if the opposition decided to talk out a bill, essentially the House just keeps on sitting, and that's the discouragement to do that.

**Mr. Liam Laurence Smyth:** I wouldn't say that, no, because the standing orders provide fixed limits, the time limits at which each day finishes. Then the bill program motion limits the time spent on each bill. So the opportunities now to sit late are extremely rare.

**Mr. Gilles Bisson:** Okay. I'll let the Clerk go, because I think we're running out of time.

**The Chair (Mr. Garfield Dunlop):** Actually, Mr. Bisson, we have another question from Ms. MacLeod.

**Ms. Lisa MacLeod:** Yes, I do apologize, Clerk. I do have one quick question. It occurs to me that we're going to continue our hearings over the summer. I think we could draw from some experience from the Wright committee. I'm wondering if the majority, or all, of those members who served on that more experienced commission are still sitting in the House of Commons today.

**Mr. Liam Laurence Smyth:** No. Tony Wright retired, and so did Chris Mullin, who wrote some really excellent memoirs describing his time as a backbencher. It's well worth reading. David Howarth is now a professor at Cambridge University. I think about a good half of them retired.

**Ms. Lisa MacLeod:** That obviously makes a bit of sense. It would be, I think, beneficial—and I'll just say this to our clerk at this time—if we could perhaps schedule some time with Tony Wright and Chris Mullin.

In addition, with the backbench committee—and maybe I missed this with one of my colleagues—who chairs that at this point in time? Is it a government member from the backbench, or is it another?

**Mr. Liam Laurence Smyth:** It's chaired by Natascha Engel, because she won the secret ballot—and she is an opposition member, as it happens—but it was open to members from the whole House.

**Ms. Lisa MacLeod:** Would she be open to addressing our committee? Because I think we've never heard of anything like this before, and it sounds very interesting. My clerk just mentioned to us that he'll make that contact, but I appreciate that.

It has been an absolute pleasure, Mr. Smyth. Thank you very much for taking the time with our committee, and I do know our Chair would like to invite our Clerk to speak with you.

**Mr. Liam Laurence Smyth:** Okay, thank you.

**The Chair (Mr. Garfield Dunlop):** Thanks, Ms. MacLeod.

Now, Mr. Smyth, we have Deborah Deller, the Clerk of the provincial Legislature, here. She'd like to ask—

**Mr. Liam Laurence Smyth:** Hi, Debbie.

1150

**The Clerk of the Assembly (Ms. Deborah Deller):** Hi, Liam. It's nice to talk to you again.

**Mr. Liam Laurence Smyth:** And you, yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** Thank you very much for taking some time out to chat with the committee. I guess I just have a couple of maybe more technical questions. The select committees that you have, when they do up their report and present it to the House, is there then any kind of official mechanism that allows for any debate of those reports?

**Mr. Liam Laurence Smyth:** It's very limited. We have a technique of hanging a select committee report on to the voting of the estimates twice a year—so they get two days there. We give them some Thursday afternoons in our parallel debating chamber in Westminster Hall, which, because it meets at the same time as the main chamber, gives us about an extra 12 hours of debating time a week.

The backbench business committee is experimenting with ways of letting the Chair of a committee have 30 minutes on the floor on the day of publication just to announce the fact, because most of the publication just happens out of the chamber as a kind of—it's just like a publication. It's posted on the Web and it's available over the counter. There's not an event you can see in the chamber at which the report is laid.

**The Clerk of the Assembly (Ms. Deborah Deller):** That kind of segued into my next question because I was going to ask you to just, for the benefit of the committee here, expand a little bit on Westminster Hall and what kinds of things that parallel chamber engages itself in.

**Mr. Liam Laurence Smyth:** It's an excellent example of what we're doing now, about one Legislature learning from another. Westminster Hall is an idea we pinched from Australia, where they call it the main committee. So instead of having very late-night debates, we have daytime debates in a large room near the chamber which are never controversial; there are no votes taken. So time is allocated for debates introduced by members, always replied to by a minister. The level of debates in that chamber is really very high, often on rather narrow subjects, but certainly not always. It's an extremely level-headed, thoughtful, discursive environment where really important things are discussed, but not in a heated, partisan, point-scoring atmosphere. There is a place for that kind of debate, and it complements extremely well the more passionate debates we tend to have on the floor of the House itself.

**The Clerk of the Assembly (Ms. Deborah Deller):** Is there any kind of formal communication between Westminster Hall and the House itself?

**Mr. Liam Laurence Smyth:** We've never needed to use it. I think there is a technical device, you know: What would happen if a member misbehaved in Westminster Hall and needed to be reported to the Speaker? So there is a kind of technical possibility of a report from Westminster Hall to the chamber, but we've never needed to use it. Effectively, it's just a parallel space. It goes on in its own time. We print it in our votes and proceedings. We print it in Hansard. But it's just in a kind of separate parallel bubble.

**The Clerk of the Assembly (Ms. Deborah Deller):** Are there time limits on speaking times for members in either the House or Westminster Hall?

**Mr. Liam Laurence Smyth:** Yes. I think this is probably a fairly recent innovation. The Speaker can impose a limit on backbench speeches, and now very often does. I think the new generation of members that came in after the expenses crisis are, perhaps, more committed to being visible to speaking in the House. We are, perhaps, less willing for somebody to sit there for hours and then walk home with an undelivered speech in their pocket. We look at how many people want to speak, we divide up the available time and impose a limit. It's one of my jobs at the table to press the buttons on the clocks to keep the limit going.

It has one feature that I think that would help it stop killing debate, which is, if you give way to another member in the course of your speech, you get given a whole free extra minute, and you can do that twice. It tries to keep alive the idea of the cut and thrust even when you're watching the clock.

**The Clerk of the Assembly (Ms. Deborah Deller):** See, I never knew that. Because I've watched, and I've watched members give way and I always wondered why they would do that, but if it gives them extra time, that would be why.

**Mr. Liam Laurence Smyth:** Yes.

**Ms. Lisa MacLeod:** So giving way does not decrease their time? If I had 10 minutes on the clock and I gave way to Mr. Leal, and I was at eight minutes, I would get nine?

**Mr. Liam Laurence Smyth:** Exactly. I would stop the clock for however long it took him to ask his question and then you would get an extra minute as well on top.

**Ms. Lisa MacLeod:** And there are no minutes taken away from him when he speaks?

**Mr. Liam Laurence Smyth:** No.

**The Clerk of the Assembly (Ms. Deborah Deller):** But they're limited to two. The member who has the floor is limited to allowing two.

**Mr. Liam Laurence Smyth:** Yes. Any further interventions they allowed would cut into their time. It works pretty well, I think, except when we get down below, say, five minutes, because at that point I think members don't have the space to really expand on their ideas.

**The Clerk of the Assembly (Ms. Deborah Deller):** So the speaking times allocated to members are essentially decided upon by the Speaker within the total time frame of the amount of time there is for consideration of a single bill?

**Mr. Liam Laurence Smyth:** Yes, or any debate. It's really just a question of carving up the available time between the front bench speeches.

**The Clerk of the Assembly (Ms. Deborah Deller):** And when you program your programming motions, you said you would allocate time for consideration of a single bill. Do you ever do it for multiple bills in the same—

**Mr. Liam Laurence Smyth:** Not under this standing order, no. The way the standing order is written, it applies to individual bills. We have in the past had examples of guillotines being introduced on a number of bills in the same day, but the advantage of our current programming is that you set out from the beginning, "This is how long the committee stage is going to take." What we remember from the bad old days is that you used to have to waste 100 hours in committee before the merciful deliverance of the government would bring down the guillotine, and that was so painful, spending 100 hours on clause 1.

**The Clerk of the Assembly (Ms. Deborah Deller):** Liam, you mentioned that there was discussion right now about the House sitting hours. Can you elaborate on what that's about?

**Mr. Liam Laurence Smyth:** Yes. We have 650 members and a fairly large country. I know it's not as big as Ontario, but there are some long distances that people have to travel. We meet for most weeks in the year, and politically it's important for people—

**Mr. Gilles Bisson:** Your country is the size of my riding.

**Mr. Liam Laurence Smyth:** Exactly. It's politically important for people to live in their districts. It's just a feature of the current political culture. Members of Parliament, particularly those with families, are very stressed by being in two places at once, and there's a great pressure to start the working week late on a Monday, to give people time to get here, and to finish as soon as we can on a Thursday, to let people get away. So the working week gets increasingly compressed into the middle. Nonetheless, members do think that the days could be brought forward and start earlier, so the likely outcome, I think, next week is that we will start off Thursdays even earlier. We may leave Wednesdays more or less as they are, when we start at 11:30 in the morning and finish at 7:30 at night. Tuesdays could well change, because at the moment, like a Monday, we don't start until after lunch and we finish at 10:30 at night. I think that could well change.

**Mr. Gilles Bisson:** What time do they finish at night?

**The Clerk of the Assembly (Ms. Deborah Deller):** It's 10:30.

**Mr. Liam Laurence Smyth:** All our four days have the same length; they just have different start times.

**The Clerk of the Assembly (Ms. Deborah Deller):** Just a couple of other quick questions. One is, I don't know whether you've had any experience with omnibus legislation. We have here, and certainly in our federal Parliament recently they have. First of all, do you have any experience with omnibus bills? Secondly, if you do, is there any kind of process that allows for any kind of splitting of bills into different parts?

1200

**Mr. Liam Laurence Smyth:** There was a bill we split, but it was 30 years ago. The New Towns Act was extracted from a very much longer bill. It was taking a long time to go through the House. So technically, I think we can split bills.

I'm not sure I would recognize necessarily what an omnibus bill was. The bills that we see come in different sizes and they have different ranges of purposes. The monster bill last year was the health and social care bill, which was huge. It took a very long time to get through both Houses. I'm not sure I have anything useful to say about the idea of an omnibus bill.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. Lastly, have you explored any electronic means of engaging the public—for example, electronic petitions or the use of teleconferencing for public hearings, anything of that nature?

**Mr. Liam Laurence Smyth:** Yes, we do a limited amount of teleconferencing, but I think the actual visiting is still very popular. We are very keen on the use of tweeting and our cable channel with live broadcasts. Our website, I think, is an excellent one.

Electronic petitions is an extremely good question, because the government hosts on their website an electronic petitions system with a promise that if you get 100,000 signatures, you'll have a chance of a debate in the House. The Backbench Business Committee—Natascha, again, will find herself under pressure to grant time for debate if it has the backing of 100,000 people having signed a petition.

**The Clerk of the Assembly (Ms. Deborah Deller):** And how often does that happen?

**Mr. Liam Laurence Smyth:** There have been about 20—perhaps less—petitions that have reached that threshold. Most of them have had a debate, or at least there has been a debate on a similar issue, which we can more or less say, "It has been debated." It runs the risk of disappointing the public because getting an idea discussed in Parliament is not the same as getting a remedy.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's right.

**Mr. Liam Laurence Smyth:** So there are some risks with the idea of the electronic petition, in it being oversold and underdelivered. But that continues to be a problem.

What Natascha is challenging the government for is to say, "Look, if you want me to deliver on your promise that petitions will get debated, give me some extra time." I think where she's going to find that extra time is, she

will be given the run of Westminster Hall on a Monday night, so a parallel debating opportunity while the House is sitting on a Monday evening, where she can schedule debates on petition issues if there are members who want to discuss them.

**The Clerk of the Assembly (Ms. Deborah Deller):** Thank you, Liam. It's nice to talk to you again.

**Mr. Liam Laurence Smyth:** Can I just add one thing I was asked to add by a colleague? It's to say that our current system of electing the Speaker by secret ballot was hugely influenced by what he saw, as a visiting clerk, in Queen's Park sometime in the 1990s. So we owe you a debt of gratitude for one of the most important parts of our procedure. It's something we learned from you.

**The Clerk of the Assembly (Ms. Deborah Deller):** It just goes to show how we can help each other out if we talk.

**Mr. Liam Laurence Smyth:** Indeed. Okay, thank you very much. It's been a great pleasure.

**The Chair (Mr. Garfield Dunlop):** Mr. Smyth, thank you very much for your time this morning. We really appreciate it. On behalf of the committee, I'd like to wish you well. Have a nice summer. All the best in what happens over in England.

**Mr. Liam Laurence Smyth:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Folks, we're recessing now till 1 o'clock. It would be nice if everybody could be back at about 10 to 1.

**Mr. Gilles Bisson:** Before you recess, just for the record, this was very helpful, to listen to this particular presenter by telephone. But I've got to tell you, I came out of this with more questions than when I went in. I think that is part of the argument of why you've got to do this stuff face-to-face. This was helpful—I'm not saying it wasn't—but there's a whole bunch of stuff that you're able to get at if you're able to have people sit down across the table from each other and actually have a discussion in order to try to make sense of some of this stuff.

**The Chair (Mr. Garfield Dunlop):** Ms. MacLeod had a question as well.

**Ms. Lisa MacLeod:** I would like to first of all thank our clerk from our committee for making sure that this happened in a very short period of time. You've done an outstanding job.

Second, to echo what Mr. Bisson said, yes, I do have more questions as a result of this. Some very interesting things have happened in other jurisdictions that I think are worth looking at, and I think we have that once-in-a-lifetime moment when we're able to converge together and put forward potentially a consensual report. I think that this committee has worked quite well together and there has been no partisan bickering. It has actually been one of the more enjoyable experiences that I've had as a member here.

I think that we may want to reconsider the possibility of exploring these other systems a little bit more. I would like to speak to those two other groups, the Wright

commission plus also that backbench committee. That's not to say that I endorse that view, but I do think, as the Clerk said, when we speak to one another, we do learn from one another. That's really important to take away from this morning's hearings. So I just wanted to once again thank you, Clerk, for bringing that together and respond to Mr. Bisson's suggestion, because I agree with him.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, you had a final—

**Mr. Gilles Bisson:** Just very quickly, Nathaniel has been very good this morning. I think he deserves a round of applause.

**The Chair (Mr. Garfield Dunlop):** All right. Committee, we're recessed.

*The committee recessed from 1206 to 1304.*

DR. DAVID MCNEIL

MR. ROB REYNOLDS

**The Chair (Mr. Garfield Dunlop):** Ladies and gentlemen, we're going to call the meeting to order.

Hello folks, are you there?

**Dr. David McNeil:** We're here.

**The Chair (Mr. Garfield Dunlop):** Hi. Thank you very much. My name's Garfield Dunlop and I'm Chair of the Legislative Assembly committee. It's a real pleasure to be able to speak to you folks this afternoon.

**Dr. David McNeil:** You mean this morning.

**The Chair (Mr. Garfield Dunlop):** Oh, yes, right. It's 1 o'clock here. What is it there; is it 11?

**Dr. David McNeil:** Yes.

**The Chair (Mr. Garfield Dunlop):** I understand on the line we have David McNeil and Rob Reynolds.

**Dr. David McNeil:** Yes.

**The Chair (Mr. Garfield Dunlop):** Thank you very much. We've been just reviewing the standing orders here at Queen's Park, an all-party committee. There are all three political parties—the NDP, the Progressive Conservatives and the Liberals are all part of this—and we're just looking at our overall standing orders and how we might make changes. We're just getting feedback from different jurisdictions, so we really do appreciate your time today.

I don't expect you have any kind of presentation, so can we go right into questions with you, or would you like to make some comments?

**Dr. David McNeil:** You might as well go into questions, I guess. If your focus is on the private members' business—

**The Chair (Mr. Garfield Dunlop):** That's one of the things we found very interesting and we'd like to run by you.

**Dr. David McNeil:** We can just tell you that there were significant changes made in 1993 when the Liberal opposition was 32 members, and between the government House leader and the official opposition House leader at the time, they came up with a package of pro-

posed amendments to the standing orders, a lot of which focused on private members' business and providing more opportunity for private members to have their ideas put forward, both in terms of bills and motions.

That's a very quick overview, but that's sort of the genesis of the changes that were made in 1993 and that are still with us today in terms of the basics of those changes in the standing orders.

**The Chair (Mr. Garfield Dunlop):** Okay. Well, I'm going to start out with some questions, first of all from Ms. Lisa MacLeod. She's a Progressive Conservative member, and she'll ask you some questions.

**Ms. Lisa MacLeod:** Thanks very much, Mr. Reynolds and Mr. McNeil. I gather your House has been back, temporarily at least, anyway, after the election there.

One of the things we're looking at, obviously, is private members' business, but we're looking, of course, at how we can do a little bit better of a job. As you're aware, we're in a minority Parliament here, so all of us have a vested interest in actually seeing the role of provincial Parliament strengthened at this time. That could change, of course, from time to time. We've seen in our past, mostly since 1985, all three of the major parties take office and substantially change our standing orders. So I think we're all looking now at those unintended consequences and how we can have a bit more flexibility in terms of not only debate with private members' business, but also using things and tools like select committees that empower members of the assembly.

We've just had a conversation with Liam Laurence Smyth from the House of Commons, United Kingdom, who informed us that they now have a backbench committee, and they're allotted a day a month or so to actually allow backbenchers from all of the major political parties to set the agenda. So we're listening to an awful lot of interesting things.

There are two issues I'd like to address with you, and I'd just like your perspective.

One is the use of select committees and if in Alberta they tend to be used to empower backbench members to make substantive recommendations on a public policy initiative to the government of the day.

Second, the private members' system that is established in Alberta seemed to pique a lot of our members' interest around this table in how it's used, but also in how many private members' bills actually become law. One of the ones that I believe we saw from your assembly was from a few years ago with respect to third party contributions. So, without looking at the substance of the bill, we understand that a private member's bill did move forward.

I'm wondering if you could give us some general comments, Mr. Reynolds or Mr. McNeil, or both, on those two issues.

**Mr. Rob Reynolds:** This is Rob Reynolds speaking, and I'll try to address the points that you raised.

With respect to the use of, I believe you said special committees—or select committees—I'm not sure that we have all that many special committees established.

Usually here they are for a specific purpose, like finding someone to—an appointment as Chief Electoral Officer or any other officer of the Legislature.

What Alberta has used more recently have been something that used to be called policy field committees and which are now called legislative policy committees. We actually looked at Ontario's model when they were being established in 2007-08. These committees have a very broad power with respect to reviewing matters within the jurisdiction of certain departments, or matters can be referred to the legislative policy committees for review.

1310

Now, there have been some changes since the recent election that were brought in in the brief session that we just had. The membership of those committees has been increased to 25. The number of the committees has been reduced to three. There is nothing presently that's been referred to them. It appears that the government may wish to use these committees for various purposes, so they may be becoming more active soon.

With respect to your question about the private members' bills, David and I were looking there at the sheet, and since 1993, I believe 51 bills have become law. I wouldn't say that all those acts are enforced, because quite often they have a proclamation clause which limits their coming into force and which means that they haven't been proclaimed, because a large majority of the bills that have been passed are by members of the government caucus. That's not to say that they're government bills in any way—I think they're always subject to a very strong debate in the government caucus, which occasionally occurs in the assembly also; I'm just saying that not all of them are enforced.

With respect to the third party advertising bill that you mentioned, I believe it was passed in 2009. It was later repealed, basically, and replaced by a government bill, the Election Statutes Amendment Act, in 2010. Interestingly enough, the member who proposed the bill in 2010, Mr. Anderson, left the Progressive Conservative caucus to sit as a Wildrose member.

**Ms. Lisa MacLeod:** Was he re-elected? Just out of curiosity.

**Mr. Rob Reynolds:** Indeed he was.

**Dr. David McNeil:** Yes, he was.

**Ms. Lisa MacLeod:** May I just say this as a moment—because we're all from Ontario, we all watched election night and we were all listening to the pollsters. What a surprise on election night. If we listened to the pundits and the pollsters, my goodness, they sure did get it wrong. But it was quite interesting to see.

Just to go back for a moment to proclamations—and not in terms of royal assent. I want to talk about proclamations. We tend to do these an awful lot here, which consume an awful lot of our private members' public business, which would say, "We'd like to proclaim such and such a day"—you know, maybe April 1—"We'd like to proclaim that April Fool's Day," we would all wear a certain colour ribbon, and that's how we would mark that

particular day. We seem to be consumed with that here in the assembly, and it's taking up a lot—I guess, many of us don't view that as a substantive way to move forward with private members' public business. Do you have another way of dealing with proclamations of that kind so that it doesn't consume private members' bills or resolutions of a substantive nature?

**Dr. David McNeil:** Yes, I guess we really don't have that type of business that really takes place under private members' business. You've got your private members' bills, your private members' motions, and I guess if somebody wants to highlight a particular day, they can do that through a member's statement. But in terms of private members' business and private members' public bills specifically, we really haven't had that type of—

**Ms. Lisa MacLeod:** But creating a day has not been—that's not used in your assembly.

**Dr. David McNeil:** We've had a couple that relate to—well, one, the Alberta Get Outdoors Weekend Act, which encourages and promotes the direct and indirect benefits associated with outdoor activity, so there's that one, but that's one of 51, I guess.

**Ms. Lisa MacLeod:** Yes. How is your private members' business debated? I'm just trying to grab your—we have a briefing note there. I guess you have about 115 minutes of debate?

**Dr. David McNeil:** Yes. First of all, there's a bill draw. All the private members who want to participate put their names in for the draw and then it's just a random draw, and then there's an opportunity to switch places within the draw. This may take place within each caucus. Let's say that whoever has Bill 201—his or her bill would come up. It's introduced. The same week, it would be debated at second reading for 120 minutes. Then, eight days later, two weeks later, it goes to Committee of the Whole and it has, again, another 120 minutes for debate in Committee of the Whole. Then, eight days after that—

**Mr. Rob Reynolds:** Four days.

**Dr. David McNeil:** Yes. It comes up for third reading, and there's 60 minutes of debate on it at third reading. So it's on a forced track, if you will, in terms of the process as it goes through the House.

**Ms. Lisa MacLeod:** So did you say "forced track"?

**Dr. David McNeil:** Yes.

**Ms. Lisa MacLeod:** So I guess the difference with our system here is: A private member, if their bill passes, would have the opportunity to designate which committee it would go to and then it would be up to the government—or I guess it's the committee that would call it, but it would be up to the government to call it out of committee and into third reading. You have a forced track, so you would have 120 minutes of debate. Eight days later, it goes for certain to the committee of the whole, then it goes back into 55 minutes of debate at third reading, and then of course the mover has an additional five. So there actually will be resolution to private members' business in your system.

**Dr. David McNeil:** Exactly. That's why we've had 51 bills passed since 1993: because of that fixed process.

**Ms. Lisa MacLeod:** One of the things that I know my colleague—Mr. Balkissoon from the Liberals may have a comment on this, but he and I, and many of us, have discussed it around this chamber. Do you have any criteria that either will eliminate or send back to drafting a bill based on money that that bill may inadvertently spend as a result of the legislation being in place? Are there any safeguards placed on them?

**Mr. Rob Reynolds:** Of course, we abide by the constitutional provision in section 54 of the Constitution Act, 1867, regarding the royal recommendation, in the sense that any bill that would spend funds or appropriate part of the public revenue, as they say in the Constitution, would be out of order because in our assembly, certainly, only a member of the executive council can obtain the royal recommendation. So basically, private members can't introduce money bills. Having said that, the bill would only indirectly result in expenditures that would have to be budgeted as part of the estimates process and wouldn't necessarily violate the rule on private members introducing money bills. That's probably a bit confusing.

In response to your direct question, what happens is, as parliamentary counsel, we draft private members' bills. I know in Ontario there isn't an equivalent of law clerks, so I believe your bills are drafted by legislative counsel in the department of justice. We draft them ourselves here and review them to see if they actually would violate the royal recommendation, and basically we persuade members and advise them against introducing such a bill. If push really came to shove—and it has never happened—there's a provision whereby the Speaker reviews private members' bills before they're introduced. So we would advise the Speaker, and if the bill was introduced, it would be ruled out of order immediately. But that has never really happened, because they're always headed off before they're introduced.

1320

**Ms. Lisa MacLeod:** I appreciate that, because I think that's an issue that we have explored in this chamber. That may not have to do with the standing orders per se, but it may be how we refer matters as we draft.

I have another couple of questions with respect—

*Interjection.*

**Ms. Lisa MacLeod:** Okay, yes. I'm just finishing on private members, and then I'll go right to you.

**Mr. Gilles Bisson:** Okay.

**Ms. Lisa MacLeod:** Mr. Bisson from the NDP will ask the next question.

I just want to touch base, again, on private members' motions. What I find interesting about your system is that there is a different way you deal with motions as opposed to private members' bills. There, you actually have an opportunity for the Premier and the leader of the official opposition to each speak for 20 minutes, and that doesn't really occur here. We also have three parties. I just find that very interesting: Is this system utilized extensively by your members—motions? I assume that they're not

binding, but to have the Premier or the leader of the official opposition address a private member's motion is quite significant. Can you tell us a little bit more about that?

**Dr. David McNeil:** Yes. I would say that the standing orders provide them with additional time, if they wish to do so. In the case of the Premier, I can't remember the Premier ever addressing a private member's motion. The leader of the official opposition: probably infrequently, but I would say for the most part that that's not an issue with respect to private members' motions. There are only 60 minutes allocated per week to an individual private member's motion, so typically it's members other than the Premier and the Leader of the Opposition who will be debating those, in the final analysis.

**Ms. Lisa MacLeod:** So that is outside the 55 minutes allotted for debate.

**Dr. David McNeil:** No, it's not.

**Ms. Lisa MacLeod:** So everyone has five minutes?

**Dr. David McNeil:** Has 10 minutes.

**Ms. Lisa MacLeod:** So everyone has 10 minutes to do the debate. The mover has five minutes to open and close—

**Dr. David McNeil:** Ten minutes to open and five minutes to close.

**Ms. Lisa MacLeod:** Okay. And then there are 55 minutes.

**Dr. David McNeil:** That 55 minutes includes the 10 minutes for the mover to move his or her motion. The five minutes at the end, after 55 minutes of debate, is for the mover to close debate.

**Ms. Lisa MacLeod:** Okay. Thanks very much for that clarification. I'll now cede the floor to my colleague Gilles Bisson.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson?

**Mr. Gilles Bisson:** Yes, just a question in regard to—you made the comment that since 1993, there were 51 private members' bills that were passed through the Legislature, which is pretty extraordinary, considering we've probably done about four or five. I'm exaggerating, but not a hell of a lot. But here's the question: We've just heard from a former Clerk of the Legislature here who was a former table clerk in the federal House of Commons. He made a comment that would make the ears bristle of most members, because people have a culture where they want to get their name on a bill and they want to get it passed so that they can be remembered in history. I'm being facetious, obviously, when I say that. His point is that you should not have a second track for legislation. His point was, the government proposes the bills and the government then is able to call the bills and deal with making sure that they're in control of the agenda of the House. The opposition role to propose ideas should not be confused with actually passing bills.

*Interjection.*

**Mr. Gilles Bisson:** It's a mouthful, but let me finish, all right? The question is: With your experience since 1993, has this separate legislative track presented any problems legislatively or politically?

**Dr. David McNeil:** I would say that—and I wrote a paper for the Canadian Parliamentary Review about 11 years ago. I think initially there may have been issues that private members put forward—now, these were, almost in every case, private members from the government side of the House who had ideas that they wanted to put forward, and they weren't being received well or supported very strongly within the cabinet. But they moved ahead with their ideas in terms of a private member's bill and got support from all sides of the House, if you will, to move their ideas forward. In some cases, that ended up in having that legislation passed and proclaimed; in other cases, it led to a change of heart within the government. These private members, in effect, negotiated a deal with minister X to put this idea on the minister's agenda. I think that happened, in some instances, early on in the process. I think subsequently the government developed process where there was a little bit more vetting of these private members' bills that were going forward so that there was at least a lot more awareness of what was happening and what the potential consequences were of some of these bills.

As I say, most of these private members' public bills had been passed have been put forward by private government members and not opposition members, although there have been a few opposition members whose bills have been passed, but also a number of private members' public bills that were put forward by an opposition member and not passed—defeated—but those ideas then appeared, not too long after, in government legislation. So there's a dynamic that goes on with this type of legislation where a private member, whether government or opposition, has an opportunity to influence the process. In terms of a Parliament, it seems to me that that's what it's all about.

**Mr. Gilles Bisson:** So it's more a function of a House where the large majority of the membership is made up of governing members, unlike a Legislature here in Ontario, where a government is lucky to have 60% of the seats?

**Mr. Rob Reynolds:** Well, if I might, when the draw is conducted for private members' bills, all private members are entered into the draw. It's not only opposition members; it's government members, which is one of the reasons why there have been so many government members having their bills considered, because it's one for one, really. Each member has an equal chance of being drawn—each private member.

**Mr. Gilles Bisson:** But I guess the point is that the government may not support the opposition member's bill. It seems to be what happens.

**Mr. Rob Reynolds:** Yes, but I would also say that, as Dr. McNeil said, I think it would be a mistake to categorize private members' bills from the government side as being government bills, because there's certainly, from our perspective and my observation, a healthy debate about the legislative proposals within the government caucus.

**Mr. Gilles Bisson:** So, back to my original question—I get the politics of what happens. The question is this: If you've got 51 bills passed since 1993, has the experience been that those bills, having a separate legislative track, actually hinder in some way public policy in Alberta, or is it seen as a positive thing? That's my question.

**Dr. David McNeil:** I would say that overall it's seen as a positive thing. It's seen as a positive thing by the private members who have the opportunity to put forward their own ideas and get support for them. I've never seen it as being something that is a negative. I think most members would say, "Yes, it's a good mechanism for putting forth ideas into the Parliament."

**Mr. Gilles Bisson:** I understand that part, but what I'm saying: From a public policy perspective, has having these bills go forward not hindered public policy? That's my question.

**Mr. Rob Reynolds:** Once again, you're asking us at the Legislative Assembly, and we're concerned largely with the process. I think we would say that it's great to have members involved in actually making public policy. I believe that if you look at 1993, that was part of the impetus for these changes to the standing orders, in the sense that I think private members did not feel that they were as influential in the policy process and that these changes really enhanced the ability of a private member to have influence.

In all frankness, even though we're on the public record, I would say that departments are somewhat perhaps less enthusiastic about private members' bills.

1330

**Mr. Gilles Bisson:** Okay. I'm going to switch track altogether here and ask you about regulation. Are most of your bills drafted in such a way that most of the details are left to regulation, or is it less regulation and more spelled out in the bill?

**Mr. Rob Reynolds:** It's really difficult to generalize like that because, generally speaking, I would say that bills introduced by opposition members tend to have fewer regulation sections—

**Mr. Gilles Bisson:** No, no, stop. Full stop.

**Dr. David McNeil:** You're talking generally, though.

**Mr. Gilles Bisson:** No, no, full stop. We're not talking about private members' bills. We're talking about government bills.

**Mr. Rob Reynolds:** Oh, government bills.

**Mr. Gilles Bisson:** Let me just explain very quickly. In Ontario it used to be, some 20 years ago, that very little was left to regulation. The bill would spell out what you wanted done as a minister and a ministry. It was all spelled out in the legislation and very little was left to regulation. We have, over the years, moved to a system where most of the detail of what happens in a bill is left to regulation. My question to you, the first part: Does Alberta leave much to regulation, or is it spelled out in the bill, as a norm?

**Mr. Rob Reynolds:** Well, once again, the beauty is in the eye of the beholder. I would imagine that here, once again, the opposition parties say that there's too much

left to regulation and I believe the government says it's just the right amount.

**Dr. David McNeil:** I would say the trend—

**Mr. Gilles Bisson:** So how many regulations would cabinet put out in a year, roughly?

**Mr. Rob Reynolds:** You know, I really don't know. We don't control regulations. That's executive council. But generally speaking, yes, there is more, I would say, that is in regulation, or the ambit is broader. But then again, bills are more technical, too, I would say, in a large regard.

**Mr. Gilles Bisson:** Does the House in any way have a process of approving regulations once they're drafted, or a committee?

**Mr. Rob Reynolds:** In theory, a regulation could be sent to a legislative policy committee for its review and recommendations prior to it being adopted. That's never happened, really. One regulation has been sent to a policy field committee essentially for review concerning beverage container recycling, and the legislative policy committees do have the ability to review regulations that are referred, but there just haven't been any referred.

**Mr. Gilles Bisson:** So it has to be referred by the government. There's no mechanism in the standing orders for regulations to be reviewed? There's no mechanism that essentially says—let me ask you this first question: Are all your regulations gazetted?

**Mr. Rob Reynolds:** Well, I'll give you a lawyer's answer: yes and no. Most of them are gazetted. There are some that don't need to be gazetted—I believe ones under the Public Service Act.

**Mr. Gilles Bisson:** And once gazetted, does a committee have an ability to call some of those regulations before it in order to review the regulation? Do you have such a process?

**Mr. Rob Reynolds:** We don't have a process. I mean, a legislative policy committee can, on its own initiative, I believe, look at a regulation, but that hasn't happened.

**Dr. David McNeil:** We haven't had that experience.

**Mr. Gilles Bisson:** Okay, all right.

**The Chair (Mr. Garfield Dunlop):** Okay, Laura? Interjection.

**The Chair (Mr. Garfield Dunlop):** I'm sorry. Folks, now we're going to have Jeff Leal from the Liberal caucus ask a couple of questions.

**Dr. David McNeil:** Okay.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** Thank you very much. It's a pleasure for you to be with us today from Alberta. A couple of questions: How do you handle your estimates in the assembly in Alberta?

**Dr. David McNeil:** The standing orders now provide for referral of the estimates to what used to be called policy field committees, now legislative policy committees. In this past year, all but I think five departments were referred to one of these, at the time, policy field committees. Five departments were considered in the Committee of Supply. The opposition had the opportunity to designate which departments they wanted to be

considered in the Committee of Supply, a committee of the whole House. The others were referred to policy field committees and considered in the policy field committees, which at that time were sort of 15-member committees, and they had three hours allocated to consider a department.

**Mr. Jeff Leal:** In the province of Alberta, do you make use of select committees for particular policy topics?

**Dr. David McNeil:** I would say on a very occasional basis, and what are now called the legislative policy committees can be used for that purpose. On occasion in the past, these policy field committees considered that, and we have yet to see to what extent the new legislative policy committees will be considering policy issues.

**Mr. Jeff Leal:** In your time since being a table officer in the province of Alberta, how many select committees have taken place?

*Interjection.*

**Dr. David McNeil:** Yes, we have to differentiate between ones that look at policies. I've been around for 25 years, so I would say maybe a dozen in 25 years.

**Mr. Jeff Leal:** My last question: In your standing orders, do you have a specific approach to dealing with tributes for deceased members?

**Dr. David McNeil:** No, we do not. What happens is, the Speaker, on the death of a member, will do a recognition of that member at the start of a sitting day and invite that member's family members and so on to sit in his gallery and recognize them that way. But we don't have a specific process otherwise.

**Mr. Rob Reynolds:** This is Rob Reynolds. There's nothing in the daily routine concerning a tribute to members. It's, as David said, by the Speaker at the start of the day after prayers.

**Dr. David McNeil:** And a member might deal with that during a member's statement as well.

**Mr. Jeff Leal:** When the Speaker pays tribute to a deceased member of the assembly, do the government and the opposition parties get a specific time allocation to also pay tribute to that deceased member?

**Dr. David McNeil:** No.

**Mr. Jeff Leal:** No. Okay, thank you very much. I appreciate your responses.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, Mr. Leal. Ms. MacLeod.

**Ms. Lisa MacLeod:** Thanks again, gentlemen, for joining us. It's Lisa MacLeod again. I noticed with your daily routines, one of the things we're also looking at, your routine proceedings, I guess, would be your question period plus your balance of daily routines. It's interesting, because you start with question period and then you do the remainder of the day. We used to do that here, with the exception of the routine proceedings would start a bit, then you would have your question period and then the orders of the day.

That said, I was just very curious: Do you have good attendance after question period for members' statements, petitions and the like, or is it generally that

question period occurs and people start to vacate? We used to do our members' statements before question period here, and now those members' statements as well as ministerial statements and petitions are in the afternoon, while our QP is in the morning. We start the day with question period on Monday, and then we have debate Tuesday, Wednesday and Thursday morning before we have question period at about 10:30.

**Dr. David McNeil:** Our routine starts with introduction of visitors, introduction of guests; ministerial statements; members' statements. We start at 1:30, and question period doesn't start till 1:50 p.m. In most cases, we might get two, three or four members' statements before we start oral question period.

**Ms. Lisa MacLeod:** Oh.

**Dr. David McNeil:** After oral question period, there tends to be a departure of a certain number of members. I would say half the time there's good attendance for members' statements, and half the time probably not as good, because they take place after—

**Ms. Lisa MacLeod:** So it really is when they're there. Can I ask you a quick question on that? When I first got here as a young buck, I would make very partisan member's statements. As I've gotten older and a few grey hairs on my head, I've sort of alternated to more tributes to my community. I'm wondering, before question period, do you find those members' statements to be far more partisan than the ones that occur after question period?

1340

**Dr. David McNeil:** I don't think the location in the routine really determines whether they're partisan or not. I think you have a mix of partisan statements and more recognition-type statements.

**Ms. Lisa MacLeod:** I actually saw a difference here. Admittedly, I've only been here for three terms, but previously, when it was closer to question period, before question period, they were much more partisan than they are now.

You have, I guess, a comparable sitting timetable to us. I think you're about 21 weeks; we're about 26. I think we sit more than any other assembly in Canada with the exception of our House of Commons. I do notice, however, that we have a substantial amount of debate time for government orders as well as private members' business compared to your assembly. I'm wondering how that's utilized. Do you have a firm adjournment at 6 p.m. every evening?

**Dr. David McNeil:** We have a firm adjournment at 6 p.m. every evening, but the possibility exists for us to return at 7:30 and sit for any number of hours.

**Ms. Lisa MacLeod:** Is that normal? Does that happen frequently?

**Mr. Rob Reynolds:** Well, it's not as infrequent as perhaps we might have thought. We don't sit evenings unless, of course, we do. Generally speaking, towards the end of session, as it winds down, there's more of a likelihood to sit in the evening. The general rule is, we don't sit in the evenings, but what happens is, usually the

government House leader introduces a motion which sort of reverses the onus in the sense that it then becomes—the rule is, they'll sit in the evenings unless there's a motion that they won't sit. I'd say that's usually during the last two weeks of the session.

**Ms. Lisa MacLeod:** Okay, that's comparable to where we could end up. I don't think we've done that in a while, and even if we have, it was just such a good time that I've forgotten about it.

Just briefly, how many—I guess the better way to phrase this is, in terms of government business, what are the rotations? Presently, we have an hour for each political party to do a leadoff, and then we go into 20-minute rotations and then down to 10. I'm not noticing a lot of debate time in your schedule, and I'm wondering how you accommodate that, or do you have a different set-up for debate?

**Dr. David McNeil:** Well, other than private members' afternoon, if you will, on Monday afternoon, and if we sit Monday evening—that would be government business—Tuesday, Wednesday and Thursday afternoons and Tuesday and Wednesday evenings, if we sit, are all allocated to government business. On Tuesday and Wednesday, you'd have roughly three hours of government business debate, and then on Thursday, you'd have an hour and a half of debate time on government business.

**Mr. Rob Reynolds:** This is Rob Reynolds. There's no set rotation for who speaks under government business. There is when they're considering estimates, but not in general debate. Obviously, the mover goes first. Generally speaking, someone from the official opposition or another opposition party goes second. Then it just depends on who wishes to speak. The Chair tries to recognize people from each side of the House.

**Ms. Lisa MacLeod:** We're just having a little bit of difficulty hearing you, sorry. I guess we're really concerned about what your rotation is like and if there are time limits to the amount of debate that they have. For example, we have two-minute hits at the end of each member's speech, if you will. Is that similar?

**Dr. David McNeil:** The mover in a debate, let's say, on second reading of a bill or on a motion will have 20 minutes, and the second person speaking will have 20 minutes to speak. Then after that, it's 15 minutes to speak, and then there's a five-minute question-and-comment period. The first two members don't have the question-and-comment period, but they have 20 minutes. All members after that have 15 minutes with the opportunity for a five-minute question-and-comment period.

**Ms. Lisa MacLeod:** So is there a limit to the amount of people that can speak to a piece of legislation if it's put forward by the government?

**Dr. David McNeil:** No, only the limit that you can only speak once at second and third reading, unless there are amendments on the floor or—

**Ms. Lisa MacLeod:** So every member, with the exception of the mover and the seconder, would have an ability to speak for 15 minutes with five minutes of Q&A?

**Dr. David McNeil:** Yes.

**Ms. Lisa MacLeod:** So the person with the 15 minutes, how are the questions and comments, that five minutes, how is that allocated? Does the speaker actually have an opportunity to respond?

**Dr. David McNeil:** Oh, yes. You might have a back and forth between one member and the person who spoke for 15—

**Ms. Lisa MacLeod:** And that's within the five minutes, though?

**Dr. David McNeil:** That's correct.

**Ms. Lisa MacLeod:** Oh, I see. So it's a 20-minute total. Okay.

Generally, in that situation, can more than one bill be called a day in your scenario?

**Mr. Rob Reynolds:** Sure.

**Dr. David McNeil:** That's totally up to the government in terms of—if they call a bill, they may want to debate it for an hour and then adjourn debate on it and call another one. That depends—

**Ms. Lisa MacLeod:** Can they call the bill the next day?

**Dr. David McNeil:** Sorry?

**Ms. Lisa MacLeod:** If they were debating government bill X on Tuesday, can they call it again on Wednesday and Thursday?

**Mr. Rob Reynolds:** Yes. We don't have any restriction or time limits before they can call a bill. If something is introduced one day, it can be called for second reading the next day. We don't consider Committee of the Whole as a separate reading, so Committee of the Whole can be called the same day that a bill receives second reading. Then third reading would be the next—we don't print a third reading version of the bill.

**The Chair (Mr. Garfield Dunlop):** Okay, we've got a couple more questions here. Mr. Moridi.

**Mr. Reza Moridi:** Thank you, Mr. McNeil, for appearing before this committee from beautiful Alberta.

**Dr. David McNeil:** Pas de problème.

**Mr. Reza Moridi:** I have been at your Legislature many, many years ago, 20 years ago, and I remember that wonderful location in your Legislature where you stand at that particular location, and if the fountain is working, you feel like you're under the shower. Do you still have that very important and significant location in your Legislature?

**Dr. David McNeil:** We do. The magic spot.

**Mr. Reza Moridi:** Yes, the magic spot.

Mr. McNeil, I understand that you sit four days a week, from 9 to 6. Am I right?

**Dr. David McNeil:** No. We sit from 1:30 to 6 on Monday, Tuesday, Wednesday and from 1:30 to 4:30 on Thursday.

**Mr. Reza Moridi:** So basically you sit a half day, four days a week?

**Dr. David McNeil:** Correct.

**Mr. Reza Moridi:** How many weeks per year do you sit?

**Dr. David McNeil:** Well, that's variable.

**Mr. Reza Moridi:** Just on average.

**Dr. David McNeil:** The calendar calls for beginning around the middle of February and ending at the beginning of June, but we don't usually—then the fall sitting is the last week in October, November and the first week of December.

**Mr. Reza Moridi:** So in total, how many weeks would that be?

**Dr. David McNeil:** I would say probably on average, 15 weeks, 16 weeks.

**Mr. Reza Moridi:** Sixteen weeks per year.

**Mr. Bas Balkissoon:** And half days.

**Mr. Reza Moridi:** And half days.

**Mr. Jeff Leal:** Let's all switch parties and head to Alberta.

**The Chair (Mr. Garfield Dunlop):** Let Mr. Moridi finish, please.

**Mr. Reza Moridi:** Thank you very much, Mr. McNeil.

**The Chair (Mr. Garfield Dunlop):** Thanks, Mr. Moridi. Mr. Bisson, have you comments?

**Mr. Gilles Bisson:** Well, no, not comments, I have questions. Boy, without my glasses, it's hard to read my own handwriting.

I have a couple of questions. You have one day where you do private members where it's a 120-minute debate, but then you have your Committee of the Whole every eight days, and you do that for 120 minutes. How do you work that into your legislative schedule?

**Mr. Rob Reynolds:** This is Rob Reynolds here. That only relates to where a bill is. So it's in the sense that you go to second reading and have up to 120 minutes of debate, and if that bill passes second reading, then the bill would go to Committee of the Whole eight days later—no later.

**Mr. Gilles Bisson:** I understand it has to be voted on and passed to get to Committee of the Whole. I get that concept.

1350

**Dr. David McNeil:** We schedule private members' business on Monday afternoons from 3 to 6, typically. The first two hours would be private members' bills and the last hour, from 5 to 6, is for private members' motions.

**Mr. Gilles Bisson:** But how do you schedule in your Committee of the Whole?

**Dr. David McNeil:** Well, it's just done in order of precedence in the sense that if a bill receives second reading, under the standing orders it must come up within eight days, so when that limit is reached, we call Committee of the Whole.

**Mr. Gilles Bisson:** Instead of calling forward another private member's bill.

**Dr. David McNeil:** Yes.

**Mr. Gilles Bisson:** So you do it on the same day. Okay, now I get it. You have a 120-minute debate, then you have a motion, so essentially you deal with a motion and a bill on whatever day that is—

**Dr. David McNeil:** On a Monday, yes.

**Mr. Gilles Bisson:** On a Monday, and if you get second reading on that bill within eight days, your private member's slot becomes a Committee of the Whole. Gotcha.

**Dr. David McNeil:** That's right, yes.

**Mr. Gilles Bisson:** Okay. Deferred votes: Do you defer all your votes, or do you just do them as they happen?

**Dr. David McNeil:** We do them as they happen.

**Mr. Gilles Bisson:** Do you have the ability to defer?

**Dr. David McNeil:** Not specifically.

**Mr. Rob Reynolds:** Not really. There is a provision for private members. A member could ask that a matter be delayed, but that has never actually been used.

**Mr. Gilles Bisson:** Okay, so essentially, once you're finished second and third reading, the vote happens at the end of the debate and it's not deferred.

**Mr. Rob Reynolds:** Yes, sir.

**Mr. Gilles Bisson:** Okay. The other question is, as far as the business of the House, is that a negotiation between the House leaders? How do you determine what actually—I know the government has the right to call what it wants, but is that through a negotiation with the House leaders or do you have some sort of programming motion? How do you deal with it?

**Dr. David McNeil:** That's typically done through negotiation among the House leaders.

**Mr. Gilles Bisson:** The culture there: Is it that the government comes in and reads essentially the order of the House next week? Or is there actually a discussion where the opposition gets an ability to affect what the agenda of the next week will be?

**Dr. David McNeil:** Again, that would be typically a discussion among the House leaders. There is a provision on the Thursday for the official opposition House leader to ask the government House leader, "What's the projected government business for next week?" The government House leader will sort of recite, "This is what we plan to do." Typically, that is based on a discussion with the House leaders—

**Mr. Gilles Bisson:** Does that make it binding, that the government has to deal with the orders of the House in that way the following week?

**Dr. David McNeil:** No.

**Mr. Rob Reynolds:** No.

**Mr. Gilles Bisson:** So it's a suggestion, essentially.

**Dr. David McNeil:** Yes.

**Mr. Rob Reynolds:** It's our understanding—this is Rob Reynolds—that perhaps there might be subsequent discussions amongst House leaders with respect to the business and it may be further amended the following week. The projected government business is not engraved in stone.

**Mr. Gilles Bisson:** Okay. Do you guys use programming motions at all?

**Mr. Rob Reynolds:** No.

**Dr. David McNeil:** No.

**Mr. Gilles Bisson:** Do you use time allocation?

**Dr. David McNeil:** Occasionally.

**Mr. Rob Reynolds:** Well, the government occasionally uses time allocation, yes.

**Mr. Gilles Bisson:** Is it the norm or is it infrequently used?

**Mr. Rob Reynolds:** I would say it's used occasionally. It's not a given by any means.

**Mr. Gilles Bisson:** And why is that? Is it because normally they can come to an agreement with the opposition as to how much time on various bills and what committees it goes to and all that?

**Dr. David McNeil:** I would say, generally speaking, yes.

**Mr. Gilles Bisson:** And is it prescribed that ministry X has to send their bills to a specific committee? Or does the government get to pick what committee it goes to?

**Dr. David McNeil:** Well, for the most part, the bills are not sent to committee. For the most part, they're considered in Committee of the Whole.

**Mr. Gilles Bisson:** Wow.

**Dr. David McNeil:** I would say only on an occasional basis does a bill get referred to one of these now-called legislative policy committees, and that can be done after first reading or second reading. But that has not happened very frequently.

**Mr. Gilles Bisson:** So you don't do much in the way of public hearings where people come in and make presentations about what they like, dislike etc.

**Dr. David McNeil:** Infrequently.

**Mr. Gilles Bisson:** Back to my original question, then: If it's, again, infrequently that you use time allocation, in your standing orders, is it just a question of closure, as per British parliamentary rule, or is it a standing order that says, "After so many hours of debate, closure can be sought and got by the government by a majority vote in the House"? How does it work?

**Mr. Rob Reynolds:** Well, pretty much how you outlined it. I mean, the government can give notice of a time allocation motion. It can be passed but it can't be used until bills receive some reading in—

**Mr. Gilles Bisson:** Sorry, I didn't hear the last part. It hasn't received second reading, you said?

**Mr. Rob Reynolds:** No, it has to receive some consideration. If you want to move it at second reading, the bill has to have already come up for second reading and be debated slightly. Then they move time allocation and the government sets the number of minutes or hours for debate.

**Mr. Gilles Bisson:** So the set time before a time allocation motion is used, by rule of thumb, is what? Five, six, seven, eight, 10 hours of debate?

**Mr. Rob Reynolds:** I wouldn't even venture a guess—

**Dr. David McNeil:** I wouldn't say there is a rule of thumb.

**Mr. Gilles Bisson:** Okay. That's it for me.

**The Chair (Mr. Garfield Dunlop):** Okay, we have another question here from Mr. Leal.

**Mr. Jeff Leal:** Garfield, Mr. Bisson asked my question about time allocation versus program motions, so I'm good.

**The Chair (Mr. Garfield Dunlop):** Are there any other questions by members of the committee? Ms. Deborah Deller, the Clerk of the Legislature has some questions.

**Dr. David McNeil:** Oh, no.

**Mr. Rob Reynolds:** Debbie? No.

**The Clerk of the Assembly (Ms. Deborah Deller):** Hi, guys. Hi, Rob. I just have a couple of questions, really. First of all, thank you very much for doing this. We really appreciate it. We're trying to get a sense of some of the more unique aspects of procedure in some of our fellow jurisdictions.

David, in your article on private members' business that you wrote some years ago for the Parliamentary Review, you made mention of the fact that maybe there was an obvious question—given that the success rate for government members' private members' bills passing was high—that maybe the bills were reflective of the wishes and intentions of the government of the day. You argued later that that didn't seem to be the case, based on the kinds of bills that were getting passed. Would you say, this many years later, that that is still true?

**Dr. David McNeil:** I would say there's sort of a balance between those where maybe the government wants to put the ideas forward but they don't want to do it directly—if I was venturing a guess, I'd say it's sort of half and half. Some are those that I think are ideas promoted by the government, and the other half are those that are individual members' ideas that aren't necessarily on the government's policy agenda.

**The Clerk of the Assembly (Ms. Deborah Deller):** So is there any pre-vetting of private members' bills put forward by government members in the government caucus?

**Dr. David McNeil:** There is, yes. It's interesting; initially there wasn't, I don't think, and there were a few surprises that came up because of the fact that they didn't realize initially what the implications were of this kind of process. I think now there is a process in place where there is some degree of vetting. We're not really—

**The Clerk of the Assembly (Ms. Deborah Deller):** Privy to that.

**Dr. David McNeil:** —privy to the details of that, as to how that's handled.

**The Clerk of the Assembly (Ms. Deborah Deller):** Do the opposition parties do it too, do you think?

**Dr. David McNeil:** Well, they do in terms of—because of the random draw of names. I think that the opposition parties like to get their sort of primary legislative ideas put forward. So there's a lot of trading off within the caucuses—the opposition caucuses. If somebody gets a prime draw, there's probably some influence brought to bear on that individual as to either what legislation they bring forward or the leader brings forward, or somebody else who has a particular hobby horse and is identified

with a particular idea ends up bringing a particular piece of legislation forward.

**The Clerk of the Assembly (Ms. Deborah Deller):** Then my next question is really quick. It's just on estimates. Did I understand correctly that between legislative committees and Committee of Supply, all ministry estimates are considered?

**Dr. David McNeil:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** And how much time would be allocated to each ministry? Or is it just as much time as is required?

**Dr. David McNeil:** Three hours.

**The Clerk of the Assembly (Ms. Deborah Deller):** Three hours for each ministry in committee?

**Dr. David McNeil:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** Okay. That's it for me.

**Dr. David McNeil:** Thank you.

**Mr. Gilles Bisson:** Hang on, don't disappear. Don't hang up that phone.

**Dr. David McNeil:** We won't.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson has a question.

**Mr. Gilles Bisson:** I wouldn't want you to. You said something that intrigued me and then one of my colleagues started talking to me and it just floated away from my thoughts. What was it I wanted to ask you? The two questions you had—one was about private members and the other one was?

**The Clerk of the Assembly (Ms. Deborah Deller):** Pre-vetting of bills.

**Mr. Gilles Bisson:** Oh, yes, the pre-vetting of bills. So I take it the experience is that if an opposition member gets drawn in one of those number one/number two spots, the reality is that, unless it's really a make-me-feel-all-warm kind of bill, the government just votes against it at second reading, right? That's kind of the practice?

**Dr. David McNeil:** I would say that's the general practice, yes.

**Mr. Gilles Bisson:** All right. You've answered the other part. Okay, thank you.

**The Chair (Mr. Garfield Dunlop):** Any other questions, anyone from the committee?

Well, look, guys: Rob and Dave, thank you very much for your time this afternoon. Is it still morning out there?

**Mr. Rob Reynolds:** No, it is now noon.

**The Chair (Mr. Garfield Dunlop):** Okay. Well, good luck with the football season. I see you beat the Argos the other day.

**Mr. Rob Reynolds:** We were as surprised as you were.

**The Chair (Mr. Garfield Dunlop):** What happened to your Ricky Ray? Anyhow, have a great summer. Again, we really appreciate your time today. Thank you very much.

**Dr. David McNeil:** Thank you very much. It was a pleasure, Mr. Chair. And good luck to the Leafs.

**The Chair (Mr. Garfield Dunlop):** Okay. And to the Oilers.

**Mr. Gilles Bisson:** I think Calgary has a better chance.

**The Chair (Mr. Garfield Dunlop):** Thanks, guys. Bye-bye.

Okay, folks?

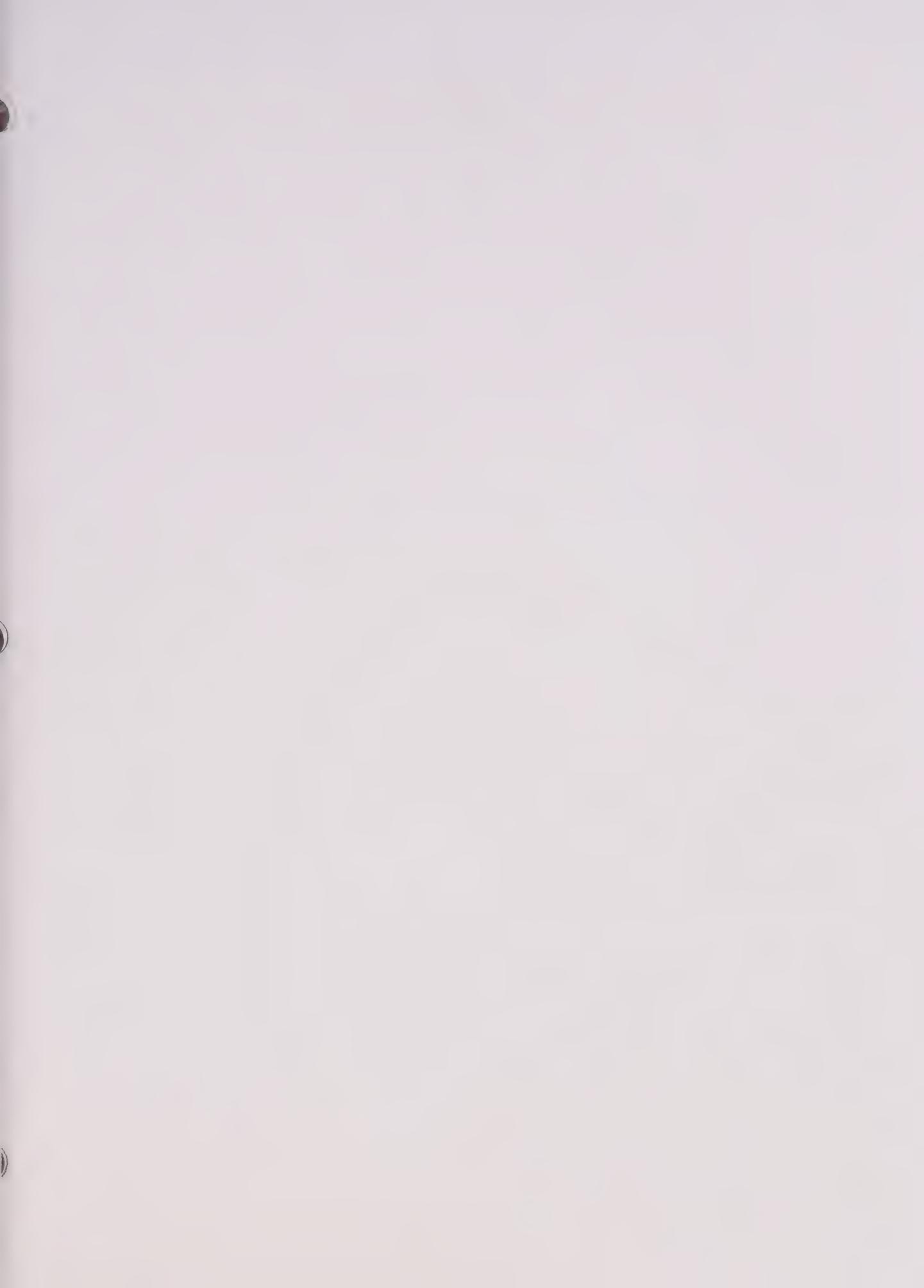
**Mr. Bas Balkissoon:** We're adjourned?

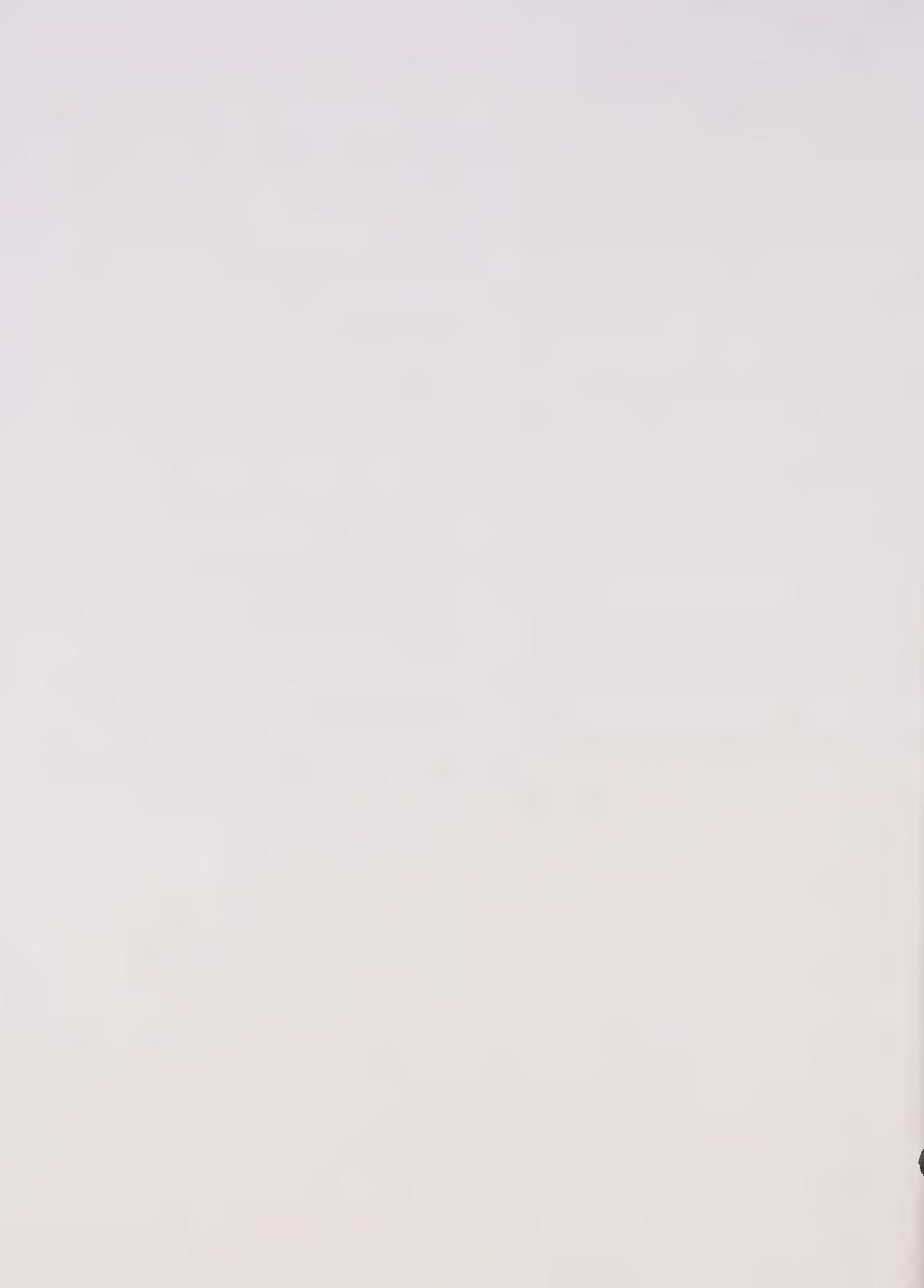
**The Chair (Mr. Garfield Dunlop):** I think so. Until tomorrow morning at 9:30. We'll be meeting at that point with Norm Sterling, Peter Milliken and Saskatchewan in the afternoon, and Sean Conway at 2 o'clock.

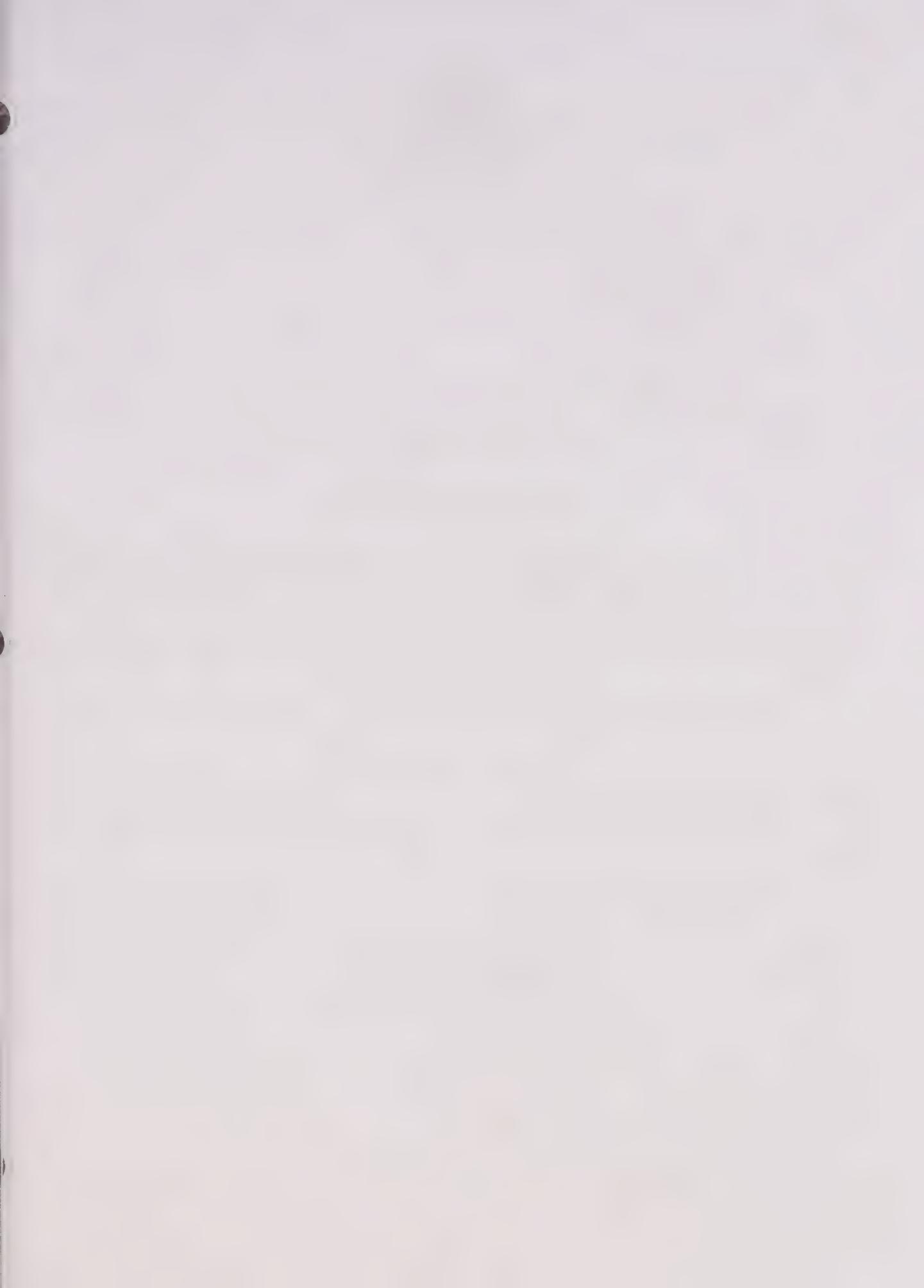
*Interjection.*

**The Chair (Mr. Garfield Dunlop):** We'd like to ask the subcommittee to hang in for a few minutes. Thank you.

*The committee adjourned at 1401.*







## CONTENTS

Tuesday 3 July 2012

Subcommittee report .....	M-193
Standing orders review .....	M-193
Mr. Claude L. DesRosiers .....	M-193
Mr. Liam Laurence Smyth .....	M-203
Dr. David McNeil; Mr. Rob Reynolds .....	M-213

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M-15

M-15

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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Wednesday 4 July 2012

Standing Committee on  
the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Journal des débats (Hansard)

Mercredi 4 juillet 2012

Comité permanent de  
l'Assemblée législative

Examen du Règlement



Chair: Garfield Dunlop  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 4 July 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 4 juillet 2012

*The committee met at 0935 in room 228.*

## STANDING ORDERS REVIEW

MR. NORMAN W. STERLING

**The Chair (Mr. Garfield Dunlop):** Committee, thank you very much for meeting. We'll welcome [*failure of sound system*] to the committee. I expect the NDP members will be along before long, but we do have Mr. Sterling available by conference call. So [*failure of sound system*]. Good morning, Norm.

**Mr. Norman W. Sterling:** Good morning, Garfield.

**The Chair (Mr. Garfield Dunlop):** Hi, how are you this morning? Thank you very much for taking part in this conference call on the Legislative Assembly. Right now in the room we have Steve Clark and Lisa MacLeod for the PC members; Jeff Leal will be along; we have Tracy MacCharles and Bas Balkissoon and Dipika Damerla here from the Liberal members, and we expect a couple of the NDP members will join us very shortly.

**Ms. Lisa MacLeod:** Chair, just a quick point of order before we start: Given we do have some new members who are here today who weren't here yesterday for our presentations, I'm wondering if research or Hansard can provide us an expedited Hansard of yesterday's presentations. I think that would be very important as we make some decisions moving forward.

**The Chair (Mr. Garfield Dunlop):** Do you mean for today?

**Ms. Lisa MacLeod:** Of all of yesterday's, because—

**The Chair (Mr. Garfield Dunlop):** No, but when do you expect him to have it?

**Ms. Lisa MacLeod:** Well, I would ask Mr. Clark. He wasn't available yesterday, and he would really benefit, I think, from—

**The Chair (Mr. Garfield Dunlop):** Okay, we'll see what we can do with Hansard to improve that.

Norm, we've been looking at the standing orders. First of all, I'd ask you for any feedback you might have, and then we're going to basically ask you a lot of questions, if it's all right with you.

**Mr. Norman W. Sterling:** Okay. Have you got my hourly rate down as a lawyer?

**The Chair (Mr. Garfield Dunlop):** No, we've got you down as a retired gentleman.

**Mr. Bas Balkissoon:** You can't double-dip, Norm.

**Mr. Norman W. Sterling:** I was going to talk about compensation for MPPs.

**The Chair (Mr. Garfield Dunlop):** Okay, Norm. So based on your knowledge of the Legislative Assembly, do you have any thoughts right to begin with around the standing orders, particularly with all the years you've spent here. But then also we've got a number of questions we'd like to ask you on your thoughts on the operation of the Legislative Assembly.

**Mr. Norman W. Sterling:** Can I just ask a question before you start, because I can vary my—I'm going to do a little bit of a preliminary and then ask you about questions after that. Lisa was just talking in terms of—you had hearings yesterday?

**The Chair (Mr. Garfield Dunlop):** We started our meetings yesterday. We talked to Claude DesRosiers, the former Clerk, and the gentleman who is the Clerk of the Journals from England, and the final presenters were two people from Alberta.

**Mr. Norman W. Sterling:** I just wanted to say to the committee [*failure of sound system*] from over there.

**The Chair (Mr. Garfield Dunlop):** That came up too, Norm.

0940

**Mr. Norman W. Sterling:** Okay. [*Failure of sound system*].

Let me just say, I don't know whether you have context of how things have happened over, let's say, the last 40 years with regard to the standing orders and the Legislative Assembly Act as we went through it. I thought that I could better relate this in a personal sense, since I was first elected in 1977, and the only other member who is still a member is Jim Bradley, who was elected in St. Catharines.

When I came in in 1977, it was just after the Camp commission report, and the word "revival" [*failure of sound system*] over a period of time from about 1972 to 1975, and then the government set up a committee under Don Morrow, who was from Ottawa, actually—Ottawa West—who had been a former Speaker in the 1960s. The Legislature went through a lot of change right after that period of time, going into 1977. So when I came in in 1977, the Legislature was sort of a new place in terms of a whole bunch of reform having taken place just prior to my election in 1977. Up to that point, new things were like constituency offices, larger members' budgets, party budgets for research, and the independence of the

Speaker having control over the legislative precinct and that kind of thing. So there was a recognition in the early 1970s that the provincial Parliament and its independence and its ability to call the government accountable and call the bureaucracy accountable—and they set up the Camp commission, as I mentioned before, primarily to deal with some of the same problems that perhaps we're facing today in the provincial Parliament.

From 1977 to now, there has been what I would call tinkering with the rules. Perhaps the greatest change was with regard to information that not only *[failure of sound system]* were entitled to, but the public, and that was through the freedom of information act, which I actually was responsible for in the Bill Davis government from 1981 to 1985. I also was responsible for negotiation on the part of the Progressive Conservative Party in negotiating the minority Peterson government, which was buttressed by the NDP from 1985 to 1987, and during that period of time, and really at my insistence, a couple of changes to the standing orders. That's why I look to the opportunity now in a minority Parliament to ratchet back somehow the changes that were brought forward during majority governments, because of the tendency—and the history will show, or does show in our Parliament, that during majority governments of all stripes rules were changed to give more control to the governing party of the Legislature.

So there's a real opportunity that your committee has and that this Parliament has for *[failure of sound system]* balance of power that could give any party a majority. I urge you to be proactive and to push for change before you get back into a majority situation, either after an overall general election or by-elections or whatever may occur in the future.

I sat as the government House leader from 1996 to 1999 in the Mike Harris government, when there was a great deal of hard, large—what I would call large—political *[failure of sound system]*. So I had a pretty good familiarity with where the power lay and where the traps lay. John Baird, who was the deputy House leader and then the House leader under Ernie Eves, changed the rules again, giving the majority government more power. I think that Mr. McGuinty's majority government has also *[failure of sound system]*. The major problem that is *[failure of sound system]* mutual accountability, but accountability between the government and the Legislature, and accountability between the government itself and the bureaucracy. I think there's *[failure of sound system]* problems in both areas.

You have the opportunity, I think, to deal on the edges, but it's going to be difficult for you to get down into the main core of the problems, which are information-related, and the fact that legislators really don't get the real numbers, save and except perhaps for the public accounts committee, which, as those of you who were there in the last Parliament saw, I chaired from 2003 to 2011.

I come with that experience from the past and say that you have great opportunity going forward to try to deal

with some of the problems that we face, in fact. I give you credit in terms of getting some reform to the Board of Internal Economy. As I understand it, the government will be introducing an amendment to the Legislative Assembly Act to change the membership of the board, which I sat on for three or four years under the Harris government. *[Failure of sound system]* and I think that you're going in the right direction. The only problem I see is that you haven't allowed the Speaker to be a member of that committee and have a vote in the case of a tie. The government *[failure of sound system]* and the opposition representatives. I urge you to try to reconsider that, because I'm fearful that deadlocks will occur in the future and the government of the day, whoever it is, will *[failure of sound system]* Board of Internal Economy. It's absolutely critical that you change that office and the structure. I would urge you to do that. I understand that you're going to be talking to Peter Milliken, the former Speaker of the House of Commons. I would ask you to perhaps ask him an odd question, about how the Board of Internal Economy operated in Ottawa, and compare it to the *[failure of sound system]* variable at the federal level in the Board of Internal Economy, and they most often reach a compromise and come out unified when dealing with the public on such issues.

#### 0950

Another area that I heard you would talk about are parliamentary officers. I have had a great concern about the accountability of parliamentary officers. Somehow, many of them have the idea that they are independent from everyone. Parliamentary officers are independent from the government or the cabinet of Ontario, but they are not independent of the Legislature, as you know, and therefore the Legislature is tasked with meeting and making certain that legislative officers operate within their jurisdiction and, I believe, should be reviewing their budgets on an annual basis to make recommendations to the party representatives on the Board of Internal Economy as to whether or not the budget should be increased or decreased, and whether or not the continual asking by legislative officers for larger and larger budgets can *[failure of sound system]* more logical *[failure of sound system]*.

Usually with members of the Board of Internal Economy, they have very little background as to whether the claims of the legislative officers' needing more jurisdiction or more money are legitimate or they're not. So I believe that the move towards perhaps a parliamentary committee to deal with parliamentary officers is an important one, but you want to be certain that they are tasked each year to look at the budget of the parliamentary officers to see if they are spending the money, that you're getting value for money *[failure of sound system]* or not, and whether or not the particular parliamentary officer is operating within their jurisdiction, are doing what they were intended to do when the office was set up. So I think there has to be some initiative in that area, and accountability in that area.

There was some talk that you've had of private members' public bills. I had seen over a long period of time that individual legislators continue to want to legislate when they're outside of the government or outside of the cabinet. I understand the desire, but I also understand that there's a great danger in a private member's bill not being properly contemplated and not having the proper time frame for the public to be properly engaged in the passing of that legislation, either at the consultation level before the bill is introduced or the process. I mean, an hour of debate on a major issue in the Legislature on second reading can hardly be considered adequate time when you're dealing with a major issue.

One of the private members' bills that I was involved in as a legislator was the adoption disclosure law. As many of you would know who were there [*failure of sound system*]. Marilyn Churley, an NDP member, felt very strongly and continued to introduce private members' bills and I continued to be her opponent.

I can remember the very last bill that Bob Rae tried to call—well, did call—at 10 to 12 midnight on the last day of his sitting as the government of Ontario in 1995. They called Marilyn Churley's adoption disclosure bill, which would have disclosed all records of information that before that had been kept confidential. I stood in the Legislature and debated the bill for the last 10 or 15 minutes over the great objections of my colleagues. I can remember not being very popular over it, because, of course, those who wanted the records were very vocal, but those who wanted to keep the confidentiality of those records were not there.

At any rate, moving history forward and now that we have a new adoption disclosure law, great harm would have been done had that private member's bill been passed by the Legislature—they tried to do it in a very contracted fashion—as the Court of Appeal of Ontario found that that bill would have been unconstitutional. All of the damage would have been done because those records that are still confidential would have been disclosed to many people, and would have broken what was understood as a confidentiality agreement between the public and their government.

So there's a great danger in wanting too much on that behalf, and I understand that the committee is sensitive to what kind of legislation should or should not be in the form of a private member's bill. There's no question that there is a place for private members' bills, but not on very, very far-reaching legislation, which needs much more consultation than the process provides.

Can I say a little bit about question period, as it is the focus of the legislative day?

I had become, as time went on, more and more disenchanted with question period. From 1977 till about 1990, before Bob Rae got into government, there would be very, very few, if any, questions from government backbenchers during question period. There would be maybe the odd one here or there, and if there was a question, they weren't with regard to general government policy; they would be about a constituency matter in that MPP's

riding, and they would really be dealing with a substantive matter. Bob Rae started to introduce these lob questions, we continued it on in Harris and Eves, and it just became more and more refined and led to more and more partisanship in question period. Therefore, question period sort of became, in my view, more and more of a farce, and really didn't provide the public with any kind of accountability from the government to the opposition, because it became a contest of which government minister could tell the least and brag the most about any particular matter.

I do believe that you should try to consider giving the Speaker more discretion to actually not allow questions which are primarily motivated to create more partisanship in the Legislature rather than ask the government to account for a particular action.

I do think the question period is too long. I think you should go to 45 minutes from 60 minutes, and you might consider doing that—I remember when Dwight Duncan was the House leader for the Liberals and I was the House leader for the Conservatives in that 1996 to 1999 period. He said that you could go to 45 minutes if you don't allow a government backbencher to have a question. I don't know how you can possibly do that, because every MPP has to have the opportunity to ask a question of the minister if he or she has a question about their constituency, in particular, and to represent them there.

One nuance that you might want to consider is to allow only government backbenchers to ask questions after 45 minutes, and allow the first 45 minutes to go to the opposition parties. Then, if they want to ask more questions and if the government backbenchers want to continue the question period into the 46th or the 50th minute, that's fine and dandy, or it would end when the MPPs from the government side stopped asking questions or 60 minutes, whichever came first. Either that or give the Speaker wide, wide discretion to stop foolishness.

You might also want to ask Speaker Milliken how he would suggest you try to control that lob-balling and the partisanship part that has crept into our process.

I also would be interested if you could nuance in some ways the problem about omnibus bills in the Legislature. There was a great debate about the federal government with regard to their very large budget bill. This seems to be a practice that's not only there, but it's in our province of Ontario as well.

#### 1000

The Speaker in the federal House, as I understand it, has discretion to cluster amendments to the main motion in terms of passing the bill. I don't know whether or not the clerks could advise you as to the ability to cluster second reading votes without debate in terms of omnibus bills in the Legislature. I always found it frustrating when we would support 28 of 30 bills in an omnibus bill, but the government of the day would find a way to make the other two so objectionable that you had no choice but to vote against all 30 bills, even though you supported 28. And then of course the throwback was always, "Well,

you voted against this or that," when in fact you were in favour of that during the debate and said it in the House. But your vote had to be the other way because of the two bills that were sometimes, I feel, purposely put in the bill to have you vote against the good legislation that was coming forward.

Committees continue to be a problem. I've been asked by the auditor, along with two other former members from the other parties, to look at the estimates committee. My belief is that we made a mistake in the estimates committee, as it is now structured, to have all estimates in front of one committee. Prior to that time, the various policy fields—justice, social, etc.—were charged with doing their own estimates in their own areas. I feel that's better than what we have done in having some members of the estimates committee dealing with all ministries across the government. I think it's important for members to develop an expertise in a particular area, and so if the health critic can sit in a social development standing committee, then that's where the estimates should be, and that member should be there. It further develops the accountability, or there's a better chance of accountability, than under the present system that we now have.

I guess I could rattle on and on with regard to a number of other things. I think that one of the things you might want to discover or talk to other provincial jurisdictions and the federal jurisdiction about is the ability of committees to sit while the session is not in. I felt particularly strongly about this as the Chair of the public accounts committee, that each June we would have to go to the government House leader and say, "Can we sit for a week or two weeks during the summer if we have to catch up on our work?" Sometimes they would grant that and sometimes they wouldn't. It really didn't bother us in the overall sense, but it just didn't leave my members in my committee the flexibility that I desired and they desired in order to get through our year's work that we had in that committee. So you might want to talk to some other jurisdictions. I know in some other jurisdictions, for instance, for the public accounts committee, there is in the standing orders the right of the committee to hold meetings during the intersessional breaks.

The last thing I would say is that there has to be something in our parliamentary system to strike performance markers outside of the way we have it set up now. I don't believe that the government and the bureaucracy should be setting the performance markers for different programs. Until that changes, until you have some independent advice as to how those markers should be set up, you're not going to achieve accountability and you're not going to make it possible for MPPs to measure whether or not a program is working or not working. Therefore, the Parliament will continue to be in a morass as to whether or not to increase the amount of resources given to a program, because you don't have any real measurement as to whether the program is working or not or whether you're getting value for money or not. So I would urge you to look at ways to create performance

markers that were not created alone inside the government.

I always remember, as a minister, we brought in business plans and that kind of thing during the Harris government. The first question I would ask a deputy—I served as minister of nine different portfolios over my career. I would always ask my deputy, when he would walk in with a business plan, "What are our performance targets?" He would say, "This, this and this." I'd say, "Will we have any problem in reaching them?" Every time, the deputy would say to me, "Oh, no, no, Norm, it's fine. We'll hit them easily." Well, those aren't very good performance markers if you can hit them easily and they are measured in reports that are hundreds of pages in length so that they're basically never read by anybody. So we have to deal with performance markers and performance reporting in order to get accountability.

That's where I'm going to stop, Garfield. If you guys want to ask about anything I've said or anything else, please do.

**The Chair (Mr. Garfield Dunlop):** Thank you, Norm. Thanks so much for your presentation. Yes, we have a number of questions. If I could start with Lisa MacLeod from the Conservative caucus.

**Ms. Lisa MacLeod:** Hi, Normie.

**Mr. Norman W. Sterling:** Hi.

**Ms. Lisa MacLeod:** How are you?

**Mr. Norman W. Sterling:** Is that my title?

**Ms. Lisa MacLeod:** What did you say?

**Mr. Norman W. Sterling:** Is that my formal title now, Normie?

**Ms. Lisa MacLeod:** Yes. By me it is, yes, Mr. Sterling. It's great to have you here. Thanks very much for joining us.

Yesterday, and I mentioned it briefly, we met with Claude DesRosiers, who was really informative for us, as well as Liam Laurence Smyth, the Clerk of the Journals from the House of Commons of the United Kingdom. There was a lot of value to both of those presentations, as there was with yours, on how we could improve the way the Legislative Assembly here in Ontario works.

It struck me that you had mentioned we should research other jurisdictions. One of the things that they're doing in the United Kingdom is they have a backbench committee. Now, I haven't been sold yet on this idea, but it is intriguing in that the House of Commons in the United Kingdom actually has a secret ballot of all members of the assembly to appoint a backbench committee that has, on given days during the legislative session or the parliamentary session, the ability to actually call orders of the day and design the programming of the House that day.

I know, through your experience, you have visited other jurisdictions. I'm wondering if any of the systems that you have visited, whether it's the British parliamentary system or others, have stood out in your mind, like this example did in mine, where we should be looking for ways to improve democracy in the chamber, but also access from the public.

**Mr. Norman W. Sterling:** Well, I think that's an intriguing idea. One of the things that the government House leader is loath to give up is control of the House to anybody under any kind of situation. I don't know whether we would ever get there.

In 1987, I bargained with the other parties and was able to extract from them the ability of a committee to call its own business. It was done in such a fashion that each party would have the ability to call their own business in the committee for a given length of time. I think it was 15 hours of hearings or something like that.

1010

But unfortunately, what happened to that, Lisa, was the party leaders got hold of it, and they—I had always had this naive idea that parties would actually try to get into a topic and deal with the topic and have an opportunity for good debate and write a good report out of that kind of hearing. But as soon as the leaders got hold of this, they started to turn it into a partisan effort. In other words, it wasn't used for positive, constructive policy-making by MPPs; it was used by the leadership of parties to introduce nasty stuff about, "They're not doing enough about this particular problem," or that the government is not doing enough about this or that.

Consequently, the standing order was changed later—I think by us—to say that you needed a two-thirds vote in the committee in order to go ahead with a particular matter, therefore giving control back to the majority to shut the whole discussion down about anything. The problem is, in all of these nuances that you're dealing with, as soon as you attract the leadership of the party—the Premier's office or the Leader of the Opposition or the leader of the third party—as soon as you attract their office into how you use the time or use the rule, it gets back into the partisanship kind of thing.

At any rate, one interesting nuance that I picked up when we were in Scotland on the proportional representation issue, because they have mixed member proportional in Scotland—while there and talking to the Speaker, I was intrigued, because they have minority Parliaments almost ad nauseam in Scotland, although I think that they might have had one majority under the Scottish National Party. What happens there is, the Speaker actually chairs the House leaders' meeting each week. Instead of the government House leader being the chair and a participant in the House leaders' meeting, the Speaker chairs the meeting. While the Speaker doesn't have the ultimate control because the government of the day can introduce a motion to deal with the schedule of what's going to go on during the week, the Speaker can cajole the government and the opposition parties into a more reasonable schedule of how things are going to run in the Parliament, going forward, so that people do know that the vote on such-and-such a bill is going to be at 5 o'clock on Wednesday afternoon and that Parliament is going to rise at noontime on Thursday, or whatever the example would be. But the schedules, then, of all the Scottish MPs in their Parliament are more certain. The

place runs in a more reasonable fashion in that there isn't debate forever on topics that really don't matter.

That was one nuance that I picked up that I thought was interesting. I think it's worth a try in terms of our Parliament. I don't understand why the Speaker shouldn't be able to chair it and perhaps make minutes about what was agreed or what wasn't agreed so that, going forward, there's more certainty about the lives of MPPs and what they're doing.

**The Chair (Mr. Garfield Dunlop):** Lisa, do you have any more questions?

**Ms. Lisa MacLeod:** I sure do. Thanks very much, Norm.

I want to touch on private members' business in a second, but one of the other notions that we discussed yesterday with the Clerk of the Journals in the House of Commons that really is appealing to me is the fact that they have an additional hall beside their chamber where they can effectively have take-note debate that's recorded in Hansard that is far more in-depth on any given issue.

One of my big concerns is that on important social or economic issues, the assembly—as private members or as members of a caucus, we don't have the ability to influence a government decision in a non-partisan way, to actually contribute in depth. And so one way to do that, obviously, would be to increase the use of select committees. The other, I think, is this notion that they've just adopted in Great Britain, this Westminster Hall, which is effectively parallel to the chamber. I don't believe it is binding, but it provides members with an opportunity to debate important issues of the day or important social issues and have their say for their constituents or for those who are affected by a certain piece of legislation.

I'm wondering, in terms of empowering—yesterday, Claude DesRosiers made a great point, that it's not really making private members have more power; it's giving them the ability to influence the government that is where we should be heading. With that in mind, how do you propose—given your time here, and with those two examples I've used of select committees and Westminster Hall—we assist private members, whether they're back bench in government or they are front bench in opposition, to have more of an impact in the assembly on the bigger scale, not just in question period or introducing, as you say, a private member's bill that may not be completely thought out?

**Mr. Norman W. Sterling:** Well, I think the real problem that you have as a member is having real information and real numbers and getting that information in a timely fashion. Oddly enough, what is sort of crazy about the system is that as soon as a party is elected as the government, they become very protective of the bureaucracy in terms of what they're going to give out or what the information is or what the information is not.

Perhaps the public accounts committee is the best example of constructive work that can be done by MPPs, and that is for a number of reasons. Number one is, save and except present hearings on Ornge, which are highly

political in nature and are really not representative of how the PAC committee normally carries on, the PAC committee has the wonderful advantage of having real numbers and having a real expert sit at the table so that members who really want to know what the numbers are can find out what the numbers are and debate them.

The other part is that the general attack in the PAC committee is not on the minister of the day or the government of the day; it's on the administration of the program. So there's a great opportunity in that committee to improve a program, get rid of waste and that kind of thing, rather than what members face in other committees.

Under our parliamentary system, unfortunately—and I think there should be some real debate on this, on whether or not a minister should be responsible for a particular administrative function that goes awry if he or she or the deputy would have no reason to have any knowledge of that particular matter, or whether the director of that program should be the one that should be up on the stand, so to speak, in terms of accountability.

So it's getting better information and it's getting better help to the members so that they can ask the right questions to the bureaucrats as to how the program is operating or not operating.

#### 1020

There was a great example of it in the Senate in the recent past. Doug Finley, who was a senator and used to run the federal Conservative campaigns, had the bureaucracy answering questions about office accommodation. There was an article in the National Post last week about this. Only after dogged cross-examination by Senator Finley did the committee find out, or politicians find out, either senators or MPs, that the accommodation allowance for a ministry in the federal government is based upon how many dollars they're paying in salaries, and it's 13% of that. It makes absolutely no sense at all that the accommodation should be increased, necessarily, for a department of the federal government if there are no additional bodies around but their salaries continue to increase. So unless you have good cross-examination by knowledgeable people, you're not going to get to the bottom of the problem.

**The Chair (Mr. Garfield Dunlop):** Norm?

**Mr. Norman W. Sterling:** Can I bring in another topic? That is the Committee of the Whole House that hasn't been used since Harris, I guess, because there were problems in getting in and out of the Committee of the Whole House.

The Committee of the Whole House is basically an informal committee in the Legislature. I really do feel that when you're talking about getting information, it was one of the best tools that the Legislature as a whole had to get at real information about a piece of legislation.

The Committee of the Whole House operates in that the minister sits down in the front of the Legislature, on the government side, and they put a small table in front of him—I'm giving you the graphics of it because it makes it easier to understand—and the deputy minister

and probably the assistant deputy minister or a policy person would sit in front of the minister. So you would go through a particular bill and be talking about a bill, and it was a give-and-take process. In other words, it was like a committee hearing, save and except that the Speaker was controlling the question and answer.

So if you had a question about section 3—"What does this section mean?"—and the minister is standing there and he's talking about the particular bill, he would just reach over the table and ask the deputy minister or the director or the policy person who was involved in drafting the bill, "What did this section mean?" or "What did that section mean?" He would then answer the question. But there was a great opportunity for a back and forth. The minister would always be there, and we know now that ministers hardly ever appear in terms of defending their bill, but in this case they would normally be there along with their deputy.

I always felt that if they started bills in the Committee of the Whole House, there would be a much greater understanding by MPPs as to what the actual legislation was doing. You could ask questions about what the regulations were going to be falling under this particular bill, etc.

So the Committee of the Whole House, in my view, could be a tremendously positive move in informing members about actually what the legislation is all about. It always frustrated me that you were called on in your caucus meeting to either support a bill or not support a bill, and you had really little chance to talk about it or review it before you were put in a position of voting on second reading or taking a stance on it. At least in the Committee of the Whole House, if you put it in there right away—and there is provision in the standing orders, and actually I put this in when I was a government House leader, to put a bill into committee after first reading so that parties don't take a position before knowing what, in fact, they're voting on. So I think Committee of the Whole House would be a great utilization and let MPPs really know what's in a bill.

**The Chair (Mr. Garfield Dunlop):** Norm, we've only got about half an hour left and I want to make sure that the NDP and the Liberal caucus members get a chance to ask some questions here. So I'm going to ask Mr. Bisson now if he may have any questions for you.

**Mr. Gilles Bisson:** Yes. Hi, Normie. How's it going?

**Mr. Norman W. Sterling:** Good, and you?

*Interjection.*

**Mr. Gilles Bisson:** I thought that was funny. It's okay, Lisa. You're not the only one who has sympathetic feelings towards Norm.

Listen, first of all a quick question: Did you say that you would suggest that Committee of the Whole be used prior to second reading? Is that what you were saying?

**Mr. Norman W. Sterling:** Well, it doesn't matter whether it's during or prior to, but it would be better prior to, in terms of the function I was talking about.

**Mr. Gilles Bisson:** All right; I get it. I remember that whole episode. You should have made sure that Dave

wrote the motion differently; we wouldn't have been there for 10 days. But that's a whole other story.

Estimates committee: You suggested that rather than having estimates done through an estimates committee, that in fact the standing committees should be the ones that properly do that. Was that the case when you first got here?

**Mr. Norman W. Sterling:** Yes.

**Mr. Gilles Bisson:** What was your experience with that?

**Mr. Norman W. Sterling:** Well, I think it was a little better, but I still think that there's a huge waste of resources within the government in preparing the detailed estimates. Evidently, this is a very, very costly and a very, very expensive process.

**Mr. Gilles Bisson:** But are you suggesting that they don't prepare those documents?

**Mr. Norman W. Sterling:** I'm suggesting that you look at what they prepare for you. First of all, I want people who are interested in actually looking at the documents and looking at the numbers etc., to have the accountability that the estimates process is supposed to have.

**Mr. Gilles Bisson:** All right. Let me ask you this, though: In your experience when, let's say, general government was doing the estimates on the ministries that are properly before that committee, was it the practice that members tended to take a larger interest in the estimates process?

**Mr. Norman W. Sterling:** Yes, because they were interested with regard to the matters that were there. They were always in the committee, they—

**Mr. Gilles Bisson:** And I take it estimates was struck, what, in the accord of 1985 to 1987? Where did that come from? Was that a—

**Mr. Norman W. Sterling:** I can't remember exactly when it came in.

**Mr. Gilles Bisson:** All right. It doesn't matter.

Private members' bills: You raised an issue, and I thought it was an interesting one. I think you'd have to wrestle every member of the assembly to the floor on it, or off the ceiling I guess would be the proper way of putting it, because members tend to see private members' bills as a really important function of their job as legislators. But you were suggesting that some of the bills are large in scope or fairly substantive, and they change policy significantly. You were sort of suggesting that that be limited somehow. Is that—

**Mr. Norman W. Sterling:** I don't think you can limit it. I think the government of the day—as I understand it, your proposal is, going forward or not, to take the ultimate control out of the government for calling third reading, so—

**Mr. Gilles Bisson:** So the vote, simply the government voting against something that they think would more properly be a government bill is the way to deal with it.

**Mr. Norman W. Sterling:** Either that or you have some way of elongating the process if you get into something—

**Mr. Gilles Bisson:** Are you familiar with the federal model? I'm not 100% familiar, but they have some sort of prioritization process of private members' bills. Because they have 300-and-some-odd members, there's only so much legislative time, so there's a committee of some type that decides what track bills will take. Are you in favour of any type of a committee that decides, okay, out of the 107 bills, here are the ones that we can deal with and let's deal with them properly?

**Mr. Norman W. Sterling:** Yes, I guess so. I used to use private members' bills to actually try to force the government's hand to actually address an issue or deal with an issue, and was quite successful in doing that. I had seven or eight private members' bills on controlling smoking in the workplace and that kind of thing before it was popular. In fact, I was the first legislator in Canada to introduce a bill controlling smoking in the workplace.

1030

**Mr. Gilles Bisson:** And that tends to be how a lot of us as private members look at private members' bills: not so much passing the bill, but advancing the idea.

But I want to come back to the ranking or the prioritization, because I think what you're saying—I just want to make sure I understand. There are some bills that need more time both in debate in the House and in committee. Because there's limited time, both in committee and in the House, if there was a prioritization, as I think you're kind of arguing, you would be able to sort of prioritize those that take more time and those that don't get on at all. Is that what you're suggesting?

**Mr. Norman W. Sterling:** Yes, I guess so. I mean, that's an interesting tack to take. I'm not familiar with how they do that at the federal level. You'd need a sophisticated—I guess that's eventually what happens in our system. At the end of a session there's a bargaining session that occurs and—

**Mr. Gilles Bisson:** The unfortunate part—and I think you're right. Often, there's not enough debate and there's not enough committee time to flesh out the issue, so we end up saying, "Well, on balance, it's a good one. Let's negotiate that one into a package." But it doesn't get the legislative and committee review time that it properly deserves. I tend to agree with you on that. I'm not sure how you avoid it.

I just want to get to the two other things before we pass it on to my friends from the Liberal caucus. One is that of the parliamentary officers. You had an interesting take on that, but when you were saying that there should be some sort of review of the scope of their mandate to make sure that they don't step on beyond that, I would put a counter argument, first of all, to say, "Well, you know, everything does evolve, and eventually either the Legislature gives that parliamentary officer more scope as far as the original mandate"—but I think what you're saying is that some of them have taken it on themselves and that you want to see some kind of limit to that.

**Mr. Norman W. Sterling:** Well, you know, the Ombudsman, in my view—

**Mr. Gilles Bisson:** You don't have to name any names.

**Mr. Norman W. Sterling:** —has gone far beyond what was initially contemplated by the Legislature for the Ombudsman to deal with. I was there early on when the first Ombudsman was there, and he had a very, very good relationship with the Ombudsman committee of the Legislature. There was an Ombudsman's committee, and he would come to that committee and talk to them about people who had fallen between that cracks of legislation and programs, and the government would—

**Mr. Gilles Bisson:** Okay. So, Norm, I think what you're saying is that what we have learned through the public accounts committee is that that relationship between the committee, first of all from the House to the committee to the auditor, that relationship of working in the way that that public accounts committee does, is a model that would be best suited to allow the Ombudsman to bring forward issues where he or she says, "You know, here's something that should be expanded in my mandate," but at least there would be some discussion at committee, and then the House could make a decision. That's kind of what you're saying—something like a public accounts process.

**Mr. Norman W. Sterling:** Yes. You know, like the budget officer at the federal level, they are servants of the Legislature. They're not politicians.

**Mr. Gilles Bisson:** No, I hear you. I tend to agree with you because the Ombudsman committee, when I first got here, was actually fairly active. That's where the Ombudsman used to come before this committee and say, "I've had X number of complaints in this particular area. I don't have the mandate. I think it should be expanded." So there was a discussion with legislators and then ultimately the House had to make the decision. I take it that's what you're getting at, that it's not that the Ombudsman or any other parliamentary officer shouldn't advocate to have their role expanded, but they shouldn't do it on their own; it should be through a process of the Legislature.

**Mr. Norman W. Sterling:** It should be, yes. What happened with the Ombudsman committee is that, I think in the late 1980s, we got an Ombudsman who said quite openly, "I'm not reporting to a committee of the Legislature. I'm independent." And off the Ombudsman went, and the committee collapsed and nothing happened. Prior to that time, the Ombudsman used the committee to resolve problems that were falling between the cracks in what the Ombudsman was—

**Mr. Gilles Bisson:** And in fairness, Roberta Jamieson had that model as well where she used to appear before committee, and had a pretty good relationship with the committee, as I remember.

I've got one last question—we're running out of time so I want to make sure my friends get some time—and that is that of BOIE. I heard your comments, Norm, in regards to how the Speaker should be having a vote, but as you know, around this place it's the art of comprom-

ise. We have come to an agreement amongst the parties that there be a tie between the parties, and the Speaker doesn't have a vote. But I tend to agree with you, because I don't believe that a Speaker, quite frankly, would break the vote in the first place. The Speaker would try to find a consensus. A Speaker worth their salt is not going to make a decision that the board shouldn't be making itself.

But anyways, I hear you, and I'm going to pass the questions over to others. Have a great day, Norm.

**The Chair (Mr. Garfield Dunlop):** Thanks very much.

**Mr. Gilles Bisson:** Bye, Normie.

**The Chair (Mr. Garfield Dunlop):** Thanks very much, Mr. Bisson. Now Ms. Damerla or Mr. Balkissoon.

**Mr. Bas Balkissoon:** I'll go first.

**The Chair (Mr. Garfield Dunlop):** Yes, Mr. Balkissoon of the Liberal caucus, Norm.

**Mr. Bas Balkissoon:** Thank you, Chair. Morning, Norman.

**Mr. Norman W. Sterling:** Good morning, Bas.

**Mr. Bas Balkissoon:** How are you doing?

**Mr. Norman W. Sterling:** Great.

**Mr. Bas Balkissoon:** I listened to your comment on the estimates committee and that probably the job, when it's to the various policy committees—maybe there's a better opportunity there for every member to have a chance to, I guess, get some extensive learning and experience in the various ministries that they're actually part of on their committee. It may be a great model and I accept your comment as a positive one, but do you remember when it was changed and why? Because I'm tending to think, the more and more I look at the Legislature, because of the reduced number of members, that the committee structures were changed to accommodate everybody's schedule and the number of people available to do all of this work.

**Mr. Norman W. Sterling:** Yes, it probably was done around that period of time and for that purpose, because of the Legislature contraction in terms of numbers and that kind of thing.

But the estimates committee—basically, you have one person, the critic in your party, who carries the can anyways. I believe in smaller committees; I don't believe in larger committees. I think you get more done with two members from each party or one member from each party, and I think some committees should never be controlled by the majority, going forward. But I probably will never win that with a leader of a party or whatever. I just think you get better decisions in—

**Mr. Bas Balkissoon:** Okay. If I look at your comment on question period also and the number of members and the House schedule itself, and I look at comparable Parliaments across Canada, it becomes a little difficult to look at the House schedule and committee schedule and make the changes that would benefit in this whole estimates process. Do you have any comments in terms of our House schedule and the amount of debate days and the number of question period days, etc.?

**Mr. Norman W. Sterling:** Well, yes. I mean, the federal government has a 45-minute question period. I don't think they have any more or less. I think BC has 20 minutes of question period. In the British Parliament, there are only ministers on certain days and there's the Prime Minister one day of the week and that kind of thing. I just think it's excessive as it presently is. When cutting back, you have to cut back gradually if you're going to change the overall way it works, but I do think that an hour a day—I really think it lags in the latter part of it. It just leaves the whole thing open to creating more partisanship by these what I would call lob balls or silly backbencher questions where it's very difficult for the public to understand what the hell is going on.

**Mr. Bas Balkissoon:** Norman, thank you very much. Some of my other colleagues have questions, too, so I'll pass the mike along.

**The Chair (Mr. Garfield Dunlop):** This is Jeff Leal, then, Norm.

**Mr. Norman W. Sterling:** Hi, Jeff.

**Mr. Jeff Leal:** Norm, good to hear from you. How are things?

**Mr. Norman W. Sterling:** Great.

**Mr. Jeff Leal:** Good.

Norm, I just want to follow up. I know you've taken the opportunity over the years to study Westminster in detail. What's your view about the Prime Minister attending once a week and fielding all the questions for the day, and ministers there on a selective basis where the opposition, of course, would direct all their questions to a specific minister on any given day?

1040

**Mr. Norman W. Sterling:** Well, I think it makes a hell of a lot more sense. I mean—

**Mr. Jeff Leal:** Because you've had both sides; you've been a minister of the crown and you've been in opposition.

**Mr. Norman W. Sterling:** Yes. I think it makes a lot more sense to restrict it down and that kind of thing. If much larger democracies can do it and have as much accountability as us, I mean, you couldn't mess around with the questions like we do now, but you'd be involved in more serious questions and that kind of thing.

Our question period has degenerated so badly from where it was to where it is now that I think that you have to go at it gradually. These things—the standing orders—unless you have something similar to the Camp commission, where you're looking at talking to a lot of people outside and looking at other jurisdictions and coming in with a report and then having something following it, you can't revamp dramatically, but I think there are opportunities to talk about improvements.

**Mr. Jeff Leal:** Would you recommend that we, as part of our review here, look at that British option? I mean, to improve—obviously, improving question period, I think, would be tremendously helpful for our democracy, from my view, anyways.

**Mr. Norman W. Sterling:** I think so. I think what you should do is talk about something that's similar to

the Camp commission again. The beauty of the Camp commission was that they didn't do it all in one piece. They did it over four or five years. It involved three former politicians—two former politicians, and Dalton Camp, of course, was a prominent PC. It included Farquhar Oliver, who was a veteran Liberal MPP, and Doug Fisher, a former NDP MP. So you've got three very knowledgeable people about the process and what would work and what wouldn't work.

You guys have so much time to deal with this thing, and I think what you've got to deal with is the tweaking and taking your opportunity while the minority Parliament is there to get some changes and make it better. But looking at the larger picture, I think you should look at a larger structure and a smaller committee to go on. I'd love to see you recommend a select committee with one member from each party and no substitutions, or two members from each party and no substitutions, going forward.

**Mr. Jeff Leal:** Norm, thanks for your wise counsel. I appreciate it.

**The Chair (Mr. Garfield Dunlop):** Thank you, Norm. We have one more question from the Liberal caucus, and it's from Dipika Damerla.

**Ms. Dipika Damerla:** Good morning, Mr. Sterling.

**Mr. Norman W. Sterling:** Hello. How are you? Congratulations.

**Ms. Dipika Damerla:** Thank you so much. Thank you so much for all of your discussion points. As a new MPP, I learned a lot.

I'm going to come back to the issue of private members' bills. I just want to know, in your experience, have you ever seen a case where in a minority government, a private member's bill is used by the opposition—if they work together or gang up together—to push something through with very little debate, as you mentioned, and become the de facto government?

**Mr. Norman W. Sterling:** I don't think I did see that happen. I did see government, from time to time, try to use private members' bills to get something through which was either a lower priority on their scale or what they wanted to get done, and to get legislation passed. I think there was more of a risk from a majority government using the process to get legislation passed that they didn't either want to do inside or from the government, but wanted to cater to a particular special interest group or something like that.

I can't recall the opposition in a minority Parliament ganging up to do it. From 1997 to—well, there was a minority government from 1975 to 1981 and there was one from 1985 to 1987. Now, the one from 1985 to 1987 was different because there was an accord between the NDP and the Liberals, so it was sort of a more cooperative kind of minority government than the one that you've got right at the present time. So I can't recall it; I'm sorry.

**Ms. Dipika Damerla:** But you think there's a risk of that? Do you see that as an issue at all that needs to be addressed?

**Mr. Norman W. Sterling:** Well, I don't think so. I don't think it's an issue which is a major problem at the present time, unless there would be some kind of legislation—my concern about any private member's bill—well, first of all, if the opposition did that, the government still controls the third reading process, so your government House leader doesn't have to call it, so the opposition members can't really gang up and make something law which is totally repugnant to the government. You still have control in the end.

**Ms. Dipika Damerla:** Okay. Fair enough. Thank you so much.

**Mr. Norman W. Sterling:** Thank you.

**The Chair (Mr. Garfield Dunlop):** We're going to finish up, Norm, with Steve Clark from the PC caucus.

**Mr. Steve Clark:** Hey, Norm. I hope you're finding time this summer to get out on the golf course the odd time.

**Ms. Lisa MacLeod:** We're worried about you, Norm, not golfing enough.

**Mr. Steve Clark:** I'm worried about you.

Norm, we're desperately closing in on our time. I've got three unrelated topics that I'd love to get your opinion on, and that's order paper questions, because I know, talking to some federal politicians, that the feds have far more detailed answers than we get in terms of order paper questions; late shows—I'd love to hear what you think about our practice of late shows; and also something that came up yesterday with the UK was the use of electronic petitions.

**The Chair (Mr. Garfield Dunlop):** Norm, we've got about five minutes to finish this up, if we could. Thank you.

**Mr. Norman W. Sterling:** Order paper questions: I really believe that there should be strong rules to make the government answer them with fact and in time and those kinds of things. It's really the only opportunity for—

*Interruption.*

**Mr. Norman W. Sterling:** —information and to get a straight answer, because it comes from the deputy minister, essentially.

The second one, Steve, was the—

**Mr. Steve Clark:** Late shows.

**Mr. Norman W. Sterling:** I think they serve their purpose. I think that they're fine. There's an opportunity for a member to sound off about a particular [inaudible] and make a five-minute [inaudible] that he can send back. I don't think, quite frankly, that anybody pays any attention, Steve, except maybe in a mail-out to his constituents or an expression of frustration. But I think that that's what they were intended for originally.

Electronic petitions? I think it's a good idea. I think people would pay as much attention to signing an electronic petition as they do to a paper petition. I think most paper petitions are signed in somebody's office or in front of a grocery store and that people are signing it more to move on than they are to address the issue. I think it's probably time for that, because particularly with

social media, it gives real opportunity to spread an issue in a different way.

**The Chair (Mr. Garfield Dunlop):** Norm, I just want to say on behalf of the committee, we've taken a lot of your time this morning, almost an hour and twenty-five minutes. We really appreciate the time and effort you've put into this. I want to thank you very much on behalf of the committee for that time.

**Mr. Norman W. Sterling:** Okay. Great. I enjoyed talking to the members again. As I said, Jim McCarter is doing something on the estimates process next month, and so I'm sure members of your committee would want to watch that. Shelley Martel is going to be there representing a former NDP member, I'm going to be there as a former PC member, and I think the Auditor General is going to be contacting Gerry Phillips about being a former Liberal member, to talk about the estimates process. So if you have any input you want to give to any one of those three, I'm sure they'd enjoy hearing from any members of your committee.

**The Chair (Mr. Garfield Dunlop):** Okay, we'll take that under advisement. Thank you so much for your time, again, and enjoy the rest of the summer, Norm.

**Mr. Norman W. Sterling:** Thanks very much, Garf.

**The Chair (Mr. Garfield Dunlop):** Okay, take care. Bye.

If anybody wants a two-minute break, we'll be starting with Mr. Milliken right away.

*The committee recessed from 1050 to 1102.*

#### HON. PETER MILLIKEN

**Hon. Peter Milliken:** Hello?

**The Chair (Mr. Garfield Dunlop):** Hello. Mr. Milliken?

**Hon. Peter Milliken:** Yes indeed.

**The Chair (Mr. Garfield Dunlop):** My name's Garfield Dunlop. I'm the Chair of the Legislative Assembly committee here at Queen's Park.

**Hon. Peter Milliken:** Great.

**The Chair (Mr. Garfield Dunlop):** We really appreciate you taking the time this morning to join us as we talk about the standing orders. I don't know if you have any opening remarks, but we have about an hour and I'd like to split any questions we have after your opening comments amongst the three political parties.

**Hon. Peter Milliken:** Okay.

**The Chair (Mr. Garfield Dunlop):** Basically, we're talking about possible changes to the standing orders. We're looking at just getting input from different stakeholders and interested citizens, and of course we're very, very pleased to have you and your time this morning available to us.

**Hon. Peter Milliken:** Thank you.

**The Chair (Mr. Garfield Dunlop):** So if I could ask you, would you have any opening remarks on what you may know about the provincial Legislature or your comments on what was good or bad about the House of Commons?

**Hon. Peter Milliken:** Well, I think what I'd rather do is answer questions. I've been to your Legislature, of course, on occasion and watched a question period or two from the public gallery, and that's about it. I have very little familiarity with the functioning of committees or debates on bills or anything like that, having not seen any of that. So it's much more limited and I don't feel that I'm an expert on the subject of the Ontario Legislature in terms of its procedures.

I might be able to answer questions about my own experience on various subjects that you might want to ask about, so for that reason I think it might be better and more practical if I just leave it to questions that you have. I'm honoured to be invited to appear and I'm sorry I'm not there in person, but what can you do?

**The Chair (Mr. Garfield Dunlop):** Mr. Milliken, we're very pleased to have you, especially with your experience at the House of Commons. We're going to probably just start rotating the questions right now. We'll start with Steve Clark, who is a Progressive Conservative member, and he'll start the first question.

**Hon. Peter Milliken:** Okay.

**Mr. Steve Clark:** Well, honourable sir, it's nice to talk to you. The last time you and I spoke was a few weeks ago on the banks of the St. Lawrence. I hope you're doing well.

**Hon. Peter Milliken:** Thank you. I am.

**Mr. Steve Clark:** Previously this morning we had a former member of the Legislative Assembly, Norm Sterling, who came and spoke about a variety of topics. One of them was the Board of Internal Economy, which our parties, the three parties, have been discussing about changing. There seems to be a feeling that you would provide us with some great insight about the operation of the board at the federal level and also your role as Speaker in terms of finding compromise and consensus with that body.

Could you give us just an overview of your experience with that board at the federal level?

**Hon. Peter Milliken:** Well, the board, I found, was very effective as a sort of governing body. Its composition clearly reflects the House. The division of membership on the board is equal between the government and opposition, with the Speaker sort of as the independent Chair. But the practice on the board has been that if more than two members voted against something—if two voted against—the motion was considered not adopted. It wasn't a case of where normally the majority could force itself over the other. The standing practice had been that you didn't operate that way; it was more consensus, which I think was fairly effective.

In addition to that, because the meetings were behind closed doors, you didn't have the partisanship that you would see often in a standing committee, because there was no reason to hammer away at somebody unnecessarily in the private session where no one's reporting on it. That, I think, had its usefulness as well. Having the meetings in camera was, I think, a sensible policy given the nature of the discussions for many of the items that

came up at board meetings and the fact that the decisions that were made were, in fact, reported subsequently. It wasn't secret in that sense, in terms of the actual decisions, but it was in terms of the discussion, which I think was generally useful. So I thought the board was quite an effective organization and got its job done.

Most of the decisions it made were pretty widely accepted by members, because, of course, they were told by their House leaders, who were usually members of the board, or whips what was the reason for the decision, and this information was given to them in caucus meetings. So they got the information and, I think, generally were reasonably happy with it, even though sometimes I'm sure when they appealed for consideration of some item they had been disallowed on or were claiming for and the board would make a decision, they might not have always liked it. But at least it was one that was usually agreed to by most of the members, if not all the members, of the board.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** No, that's fine.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Milliken—

**Ms. Lisa MacLeod:** I have a question.

**The Chair (Mr. Garfield Dunlop):** Okay, we'll stay with the PC caucus right now, Mr. Milliken. We've got a question from Lisa MacLeod.

**Ms. Lisa MacLeod:** Hi, Mr. Milliken. Thanks very much for joining us today.

Given your vast experience in the federal House and the fact that you were able to preside over minority Parliaments that were run by both the Liberal Party and the Conservative Party, so you had some great experience through that transition, I'm wondering if you could provide our committee with any examples of where you think—even if it wasn't in the federal House, but in your travels—question period was more effective.

For example, many people will say that the government of the day shouldn't have questions from their backbenchers. I tend to believe that they have just as much right as I do as an opposition member to question the executive. The challenge we've seen, of course, however, is these questions, regardless of which party is in power, become relatively cheerleading statements from the backbencher to a government member. We call them lob balls, etc.

Norm Sterling was on earlier and he had suggested going to a 45-minute question period with anything after the 45 minutes being from the government backbenchers. I'm still not certain that might be the way to go, but I'm wondering if you have any suggestions on how we reform question period so that (1) it doesn't break the tempo of a good accountability session, and (2) we prevent those very valuable questions for backbench MPPs to actually question the executive and hold them accountable as well.

**Hon. Peter Milliken:** Well, it's a rough area. I'm not sure my views on this would change the way it works particularly, but I put them forward in any event.

What I think is a problem with question period: In the federal House—I should indicate this—there were only three questions, max, per question period allowed to government members. The overwhelming number of questions in Ottawa come from the opposition.

1110

But when they agreed to the 45-minute time limit and the 35-second limit on each question and each answer some years ago—quite a number of years ago now—it changed the tenor of question period, in my view, somewhat, in ways that aren't necessarily an improvement. The things that I find somewhat offensive about it in the way it's structured is the fact that, first, the parties control who will be asking the questions. The party leader or the House leader decide which member will ask the question and what the subject will be, and increasingly, the questions, as I understand it, are being drafted in the leader's office and handed to the member to ask. So it isn't the case of the member asking something off the cuff; because of the 35-second limit, you need to have a text, or something pretty close to a text, that you will follow to make sure you don't go over time and get cut off, but then you also have to have a text that isn't going to embarrass the party leader, so they check everything to make sure that it's all done in accordance with this.

This didn't use to be the way it was. Members would jump up, the Speaker would choose which member to recognize next, and that member would then ask a question. It was hard for them to be totally prepared and have a text they were going to read when they weren't sure whether they were going to be the next one or not. And if the same question had been asked by somebody before, they might have to alter it somewhat to make it sound as though they weren't repeating exactly the same question that had been asked by somebody else. So it's made it more, shall I say, theatrical, because of the organization of it, very significantly, in saying who will speak next and in which order, and that list is given to the Speaker by each of the parties—it's made into a master list, actually, by the clerks—and then you're expected to follow that as chair of the proceedings.

So if you're looking at changes to question period—and I'm not familiar with Ontario's question period thoroughly—think of getting opportunities for different parties to participate in a different order, and you can change that and look at the federal method of doing that, if you want. But I'd urge that more discretion be given to the Speaker to decide who's going to ask the next question, rather than have lists, so that members are sort of caught, sometimes, unexpectedly. Of course, they're standing—they have to be standing to be recognized—but they are up and ready to go with their next question. They're going to pay more attention to what's going on if that's the case, rather than knowing that they're number 10 on the list and when they get there they are to stand up and read their question—as number 10 or number 11, whatever it is. It would make it more spontaneous and more dramatic, in the sense that members might have to change their questions at the last minute and ask some-

thing else, but they'd have a little more fun doing it. And I think that the members who want to ask a question and are not in the good books with their leader might get a chance to get recognized in those circumstances as well, which can make a difference in the way things work.

If you have a tight limit on government questions, such a rule change isn't going to have much impact, because you can be sure that only one member will rise when it's time for a government question to be asked. But who knows? It might change it.

**Ms. Lisa MacLeod:** That's certainly fascinating. One of the other issues I wanted to talk to you about was debate in the chamber. They have a system, I believe, in the House of Commons, but they certainly do in the United Kingdom, where you can take leave. The way our debate presently sits, when it's a government bill, there is an hour leadoff for each critic or the minister, then it goes into 20-minute rotations, and with each speech there are two-minute hits, totalling about 10 minutes, because there's a two-minute response from the speaker. It doesn't really allow for a discussion. It's more statements or questions—statements are really what occur—and then the speaker at the time responds.

What I've noticed in other legislatures is this ability for the speaker of the particular bill to give leave or give way to another speaker, who can ask questions and they can have a bit of a discussion. In the UK, I understand that they're able to add an extra minute for each time this happens to the main speaker, and that that individual can do that twice to increase their time by two minutes. Is that similar to what happens in the House of Commons? If it is, is that an effective way to have a free-flowing debate in the chamber, or are there other ways that could improve?

I was once told, when I was first elected here three terms ago, by Ernie Hardeman, who is a member of our caucus, that the Ontario Legislature is the only place that judges your quality of debate by the time you speak, not by the substance of the speech. I guess that's a bit of an issue for me, given that you can go on for an hour here and really not have to make a point and really listen to or discuss with your colleagues, whether it's opposite or in your own party.

**Hon. Peter Milliken:** Well, in the House of Commons in Canada, there are time limits on virtually every speech. There are certain occasions when the Prime Minister and the Leader of the Opposition will get unlimited time, or someone filling in for them. But for virtually every debate and going through bills, for example, the first three speeches, I believe, are 40 minutes each, and then after that, it's speeches of 20 minutes each for the next five hours of debate, and then after that, 10 minutes per speech. At the end of each speech, there's a period for questions and comments; 10 minutes after a 20-minute speech and five minutes after a 10-minute speech.

So, while a member could stand up and ask the member who is speaking if he would take a question and the member can say, "Yes, I will," and allow it, time is not added to his speaking time for doing that, but he may

choose to do it. But there is the time for questions and comments at the end of the speech.

**Ms. Lisa MacLeod:** But there is flexibility for that free flow of discussion such as you and I are having at this moment.

**Hon. Peter Milliken:** Well, there's some, yes. It's not rock-hard, but in the five-minute question and comment session, the Speaker, if there are a bunch of members who jump up and want to ask questions, will usually say, "Okay, one minute max for your question, and there will be a one-minute response." You go through it like that.

**Ms. Lisa MacLeod:** I see. The other question I have is with respect to opposition motions. In a majority government, when there is an opposition day, it's almost virtually impossible that an opposition motion will pass. I'm not talking about private members' business; I'm talking about opposition day. In a minority government, that may change, but the majority in the House, which are two parties or three parties sitting in a minority, could vote in support of a particular opposition day motion. Has there been any jurisdiction where opposition motions have been binding?

**Hon. Peter Milliken:** Binding? You mean binding on the House?

**Ms. Lisa MacLeod:** Yes, on the government.

**Hon. Peter Milliken:** Well, yes, because that's how the government got defeated the last time—

**Ms. Lisa MacLeod:** Oh, right; yes.

**Hon. Peter Milliken:** Yes. It was an opposition day motion.

**Ms. Lisa MacLeod:** We don't have that here, the ability for the opposition parties to have a binding motion.

**Hon. Peter Milliken:** Well, you could move them as amendments to bills like supply bills, I would think, and if those carry, it would defeat the government.

**Ms. Lisa MacLeod:** Yes, but I don't believe our opposition motions—they aren't, today, binding.

**Hon. Peter Milliken:** Oh, but you have opposition days with motions there?

**Ms. Lisa MacLeod:** Yes. Our opposition days are effectively toothless. We can call on the assembly to support a notion, and in our current situation—I'll just say this without a bill or a topic in mind—the New Democrats could join with us, as the Progressive Conservatives; that could pass the day, but that motion would not be binding on the government.

**Hon. Peter Milliken:** What if the motion expressed the lack of confidence in the government? Wouldn't that be binding? Wouldn't that force—

**Ms. Lisa MacLeod:** I'll ask Deb Deller—she's our Clerk—to speak to that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Hi, Mr. Milliken. Our rules stipulate that opposition day motions cannot in fact be motions of non-confidence. There's a different process for motions of non-confidence to be given notice of on the order paper.

**Hon. Peter Milliken:** I see; okay. Interesting.

**Ms. Lisa MacLeod:** Thanks very much for that clarification, because we operate a little bit differently here.

Just as a final comment, because I know my colleagues are all dying to speak with you—actually, it's true; we're having a good time doing this.

1120

The quick question I have is, you've travelled quite extensively, I'm sure, throughout the Commonwealth and other places. Have you ever gone to a jurisdiction and looked at what they're doing in their assembly or their Parliament and thought, "Hey, what a neat idea. This seems to either allow the private member to have more influence, or it has given the Speaker appropriate powers, or this has really brought the public more efficacy in terms of dealing with this particular jurisdiction"? I'm wondering, if you've seen that, what it is in terms of the idea.

**Hon. Peter Milliken:** No, I wouldn't say that I've particularly grasped onto other ideas in other places. Our Parliament, in my view, works quite well in terms of making changes to its rules that make the members happy, give them a role and all that sort of thing. I'm sure there's some pressure now to look at changes concerning omnibus bills. But aside from stuff like that, generally the House of Commons, in my view, has fairly extensive powers.

Indeed, the opposite occurred. I remember meeting a British MP one day who had been visiting in Canada. I met him at a reception in the UK when I was there on a visit, and he told me about a change he'd discovered because he went to watch a committee having a study on a bill. The committee was calling these expert witnesses: professors and people who were very knowledgeable on the subject matter of the bill who were talking about what the law should accomplish by the change and so on. He was really impressed. He said, "How do you get to call all these experts?" The Chairman said, "Oh, we have the power to call whoever we want, and we do. We just agree on a list, and away we go." He was astounded, because he said, "The only expert we're allowed to call in the UK at a committee that is studying a bill is the person who drafted it."

**Ms. Lisa MacLeod:** Interesting.

**Hon. Peter Milliken:** So he went back and he proposed the change, and they got the change through the British House. So stuff like that can happen. But as I say, I haven't seen things that I would rush back with and say, "I think we should make a change in our rules to do this."

**Ms. Lisa MacLeod:** It's fascinating. We had the clerk from the UK, the journals clerk, yesterday, who gave us some interesting ideas, but they of course have gone through some transformations as a result of the expense scandal that they had a few years ago.

Look, Mr. Milliken, I wish I had the entire hour to talk with you, but I now have to cede the floor to my colleagues in the NDP before I get cut off by the Chair.

**The Chair (Mr. Garfield Dunlop):** Yes, thank you very much, Ms. MacLeod.

We're now turned over to Jonah Schein from the NDP caucus.

**Mr. Jonah Schein:** Thank you, Mr. Milliken, for joining us. My first question is actually to the Chair: I'd like some clarity. I'd like to bring some focus back to this committee in a certain way because I feel like we have a bit of mission creep going on here, which is to look at the entire assembly. It feels a little bit like we're just randomly assessing it all, and I think that we've expressed some concerns in this committee and I'd like to restate what some of those concerns are so that we can focus the conversation a bit. Then I have a question for Mr. Milliken as well.

Some of the things that I've heard in this room are: How do we empower private members here? We all are elected by our constituents and we have a responsibility to represent their interests as well as the interests of our party, and that's something that folks here have expressed an interest in doing. That's one thing that I've heard.

The second is around accountability. My colleague Mr. Bisson has expressed his concerns about delegated authority and the increasing power of the executive to make decisions through regulation that are ultimately not very accountable. That's a concern that he's raised several times and I think is important to discuss.

I think we're talking about the rules in here, but all of us have expressed some concern about partisanship or hyper-partisanship. That has certainly been my experience in being a new member: the times and places where partisanship supersedes the interest of the public good—and that's why we should all be here. Some of the discussion about partisanship—we've heard from some of our clerks here that some of this is about the spirit versus the actual rules of the House. I don't know how we separate that stuff apart. I agree with my colleague Ms. MacLeod, who was talking about the quality of debate where people speak for a long time and not necessarily a smart time, should I say. How do we make sure that the quality of debate is improved in the House and that people are not just speaking to the clock?

One of my many concerns is: How do we make sure that this place is accessible to the general public so that people on the outside understand what's happening on the inside? Those are some of things that I've heard. I think that there are far more things, but I think it would help me, Chair, if we could clarify what it is we're trying to accomplish in this committee. What are the challenges and how do we address those?

Before I ask the Chair to respond to that, if that's okay and appropriate, Mr. Milliken, you were the Speaker. Was there one thing in your time that you would change, a rule in the House that you would change, to make things work more effectively? Is there one thing where you said, "Wow, this is really just getting in the way of a good process"? I'll leave it to you first on the phone.

**Hon. Peter Milliken:** I think of, as I mentioned, this change in the rule about who chooses who is speaking next. Because when I was a student and went to watch Parliament, the Speaker made the choice. There would be

20 members at least who would jump up at the end of an answer to a question, and then the Speaker would choose which one of them would be recognized to ask the next question. I thought it was more effective—and I'm not trying to get powers back to the Chair; don't misunderstand me. I'm not saying this is vital for the Chair. But taking it away from the party leaders, I thought, would be important, because they're dictating not just the person who's going to ask but what question they're going to ask.

I think the control from the centre has become too great, in my view, for this to remain effective. You'll get a whole bunch of questions on one subject because one party or another wants to make that subject the subject of discussion in question period that day for media purposes. It has changed the whole tenor of question period, in my view, into more of a media circus than it was before, when at least there was sometimes a funny question or a humorous answer and there was some merriment in the House. It was a debate more than a question period—a little bit more.

I think shifting that back so that the list is not provided and members are recognized when they seek recognition would be helpful, as is currently the case in the UK. The Speaker there still chooses who will be asking the questions. Now, I think they have more government questions, and I'm not trying to push one side or the other on that debate, but I think it's important that the person who chooses who's next be independent, and not someone who is a party person who has provided a list and says, "This is the list you will follow, sir."

It was agreed to by a predecessor of mine. It's not something that I thought was a great idea, and it wasn't the way it was when I was first elected to the House. You stood up and you hoped you got recognized. Of course, the Speaker would try to make sure that people got recognized. And if somebody was bad and used bad language or said something unparliamentary, that member might be struck from the Speaker's list for a month and not allowed to ask a question because he did something he should not have done. It gives the Speaker additional authority, and I'm not sure that's a bad thing.

**Mr. Jonah Schein:** Okay, well, thank you very much for that answer. I will turn it back to the Chair, if that's okay.

**The Chair (Mr. Garfield Dunlop):** Thank you very much. Just to answer your question, we're strictly on an information-gathering mission here right now. This is what the subcommittee decided at all our subcommittees to date. Hopefully, at the end of today, we can discuss the next steps, which will probably be putting a report together showing all the different directions we're coming from and what we've heard.

But I don't want to spend the time today debating with you or trying to answer your question. I'd rather have the questions being asked to Mr. Milliken at this point. We'll discuss it after the last deputation today if we want.

Mr. Bisson, have you questions?

**Mr. Gilles Bisson:** Thank you, Mr. Milliken. It's good to have you with us. I just want to admit that I am not a great fan of the federal question period model, for a whole bunch of different reasons, which I'm not going to get into. I think our model of question period actually kind of works here.

I just want to make a comment and I don't even want you to respond to it unless you feel you need to. The issue of the Speaker having more ability to decide who asks the question has been a method to cure what you see as hyper-partisanship or more intense strategies to communicate with the media. It's not a function solely of who gets to choose who is going to ask a question; it's also a reality of our society. The media today has very much changed with social media and various mediums of communication. The business of the media has changed over the last 20 or 30 years, and I think that's the other part that drives all of this. If you get up and ask a question in a certain way, you're likely not to get very much in the way of attention by the media. I don't care who decides who's going to ask the question; the issue is the media themselves, to a certain degree. So I just wanted to say that.

Unless you have something to say, I was going to go to my questions.

1130

**Hon. Peter Milliken:** Go ahead with your questions. I don't disagree with you on that score, but obviously part of it is the way they play it. If you use language that's offensive, you're more likely to get on TV than if you don't.

**Mr. Gilles Bisson:** That was my point.

The BOIE—my favourite subject. I have been a member of the board for almost 20 years now, and I have suffered through many boards both as being a government member and being an opposition member in a system where it was controlled by the majority. Our problem here was, it didn't matter who the government was—if it was NDP, Liberal, Conservative; all the same—whatever decision was made by the board, the government had to wear it, so therefore you didn't do anything at the board because you didn't want to wear it.

We have finally agreed, after a millennium in this province, to change our system to one closer to the federal model, with the exception that the Speaker actually doesn't have a vote. That was a compromise between the opposition and the government. The government wanted to ensure that, in fact, they exercised some control by having a tie. I can understand why the government does this, because it's a big leap.

That being said, you have sat as the Chair of BOIE, as a voting member on a tie board for years. How many times in total did you actually vote to break a tie?

**Hon. Peter Milliken:** I hardly ever did. I think I may have once, but we didn't normally vote that way because if more than two voted against, the motion was lost.

**Mr. Gilles Bisson:** So essentially, would it be fair for me to say that the board tries to reach consensus, and

where no consensus exists, the board just didn't deal with the matter, right?

**Hon. Peter Milliken:** Yes, that would be safe to say.

**Mr. Gilles Bisson:** What other advice do you give us in regard to the board? In your experience of having chaired the board for so many years in various Parliaments, is there anything you have to share with us, other than the structure of the board, that you think is salient?

**Hon. Peter Milliken:** I don't know whether your board meets in private or not. We get lots of media criticism for doing so, but I thought—

**Mr. Gilles Bisson:** It's all in camera.

**Hon. Peter Milliken:** In camera, yes?

**Mr. Gilles Bisson:** Yes.

**Hon. Peter Milliken:** Yours does?

**Mr. Gilles Bisson:** Yes, it's in camera.

**Hon. Peter Milliken:** Okay. So is ours. As I say, there's a lot of media coverage of that, but I think it's important that it happen that way given the nature of the discussions, because most of the things centre on members' budgets, the way members are spending money, if there's something going wrong or if they're asking for an exception for something special, and I don't see why that should be in public. It's important, but the decision can be made public and is, because the minutes are published. But I think it's important that boards meet that way.

**Mr. Gilles Bisson:** Should there be prescribed regular meetings, in your view?

**Hon. Peter Milliken:** We didn't have prescribed ones. I guess the Speaker had the authority to call one, as best I can recall. But generally, we agreed to meet basically every two weeks when the House was sitting. You sit down with the schedule of House sittings and then I think we agreed they were on a certain morning—a Tuesday or a Thursday morning, something like that; whatever it was.

**Mr. Gilles Bisson:** What did you do if you didn't have any business? You just wouldn't sit that week?

**Hon. Peter Milliken:** Right.

**Mr. Gilles Bisson:** Okay.

**Hon. Peter Milliken:** It ended up, in the last six or eight months that I was chairing these things before I retired, that we were, in fact, meeting sometimes twice a week. There was so much business and there was so much discussion about things that it was hard to get things moving and get the business finished, so we had a lot more meetings than we had had before.

**Mr. Gilles Bisson:** Can I turn your attention to private members' bills? I want to properly understand the process in Ottawa. Every member is drawn into a draw to get a private member's spot, and you have some sort of a vetting process. Can you explain the vetting process to me, about which bills get called for debate and how that works?

**Hon. Peter Milliken:** Yes. There's the draw, first. Members' names—if they have a bill or a motion on the notice paper, their name goes into a box, and then there's the draw. The first—I think it's 20 or 30; I've forgotten the number; I guess 30—who have their names drawn get

to select which one of their bills or motions they want to have placed on the order of precedence for debate. Then, for the first 30 private members' hours in a session, those 30 items will be debated at least once on that day. One of them will be called on each of those 30 days. If the debate concludes, it's finished. If it doesn't, it's put down to the bottom of the list and will get debated again on the second of the 30. If all of them were bills, there's a maximum of three hours of debate at second reading, and if each was debated, that's going to take you 90 sitting days to get through that 30.

The order of draw is what determines the order of the list. Once somebody's off there, and when the numbers have got down to—I've forgotten what figure it gets to—15 left on the list, then there's another draw, and another 15 names are added, or else they take the ones from the last draw who were the next 15 on the list, but I think they do a new draw when that happens.

**Mr. Gilles Bisson:** Just one second. When you do the new draw, it's existing members who have not been drawn already?

**Hon. Peter Milliken:** That's right, or who are not on the list already.

**Mr. Gilles Bisson:** Okay; gotcha.

**Hon. Peter Milliken:** They may have been on the list and got off because their bill passed or something.

You have the new draw, and the additional ones go on. As I say, there's these limits for debate; I think it's three hours for second reading. Then when it comes back from committee, I think it's two hours for—

**Mr. Gilles Bisson:** Can I stop you there? Does every one of those bills, if passed at second reading, get time in committee?

**Hon. Peter Milliken:** Yes, they're automatically referred to a committee after second reading. Well—

**Mr. Gilles Bisson:** And they automatically get heard, or do they just get reported back?

**Hon. Peter Milliken:** Yes, the committee would hear witnesses, study the bill in clause-by-clause and then report it back to the House with or without amendments. Then it has two hours' debate on report stage and third reading in the House. If report stage takes two hours of debate, at the end of the two hours, third reading will proceed immediately without debate.

**Mr. Gilles Bisson:** Okay. So private members both on the government side and the opposition side, no difference: If you get drawn in the 30, it's essentially by votes of the House? There's no difference as far as outcome, right?

**Hon. Peter Milliken:** That's right. It's votes in the House. You're eligible for the draw unless you're a minister, and then you can't do private members' bills—

**Mr. Gilles Bisson:** But I thought there was some sort of prioritization about how much time you get in the House. I thought there was a committee that looks at prioritizing if you're going to get more time for debate or something.

**Hon. Peter Milliken:** Um—

**Mr. Gilles Bisson:** You wouldn't see that part because you're the Speaker in the House.

**Hon. Peter Milliken:** Yes, I wouldn't have seen that, and I don't remember it specifically. You're right: There was a committee that studied something—it may have had something to do with motions. On bills, the rules set out the limits for debate, and I think the list went in accordance with the draw. I don't think it was shifted around by the committee.

**Mr. Gilles Bisson:** I can get that information somewhere else. Any suggestions on private members' bills? Is there anything that jumps out at you?

**Hon. Peter Milliken:** No, I thought the system worked reasonably well. Members got to move the things they wanted to move. Sure, there were a lot of them that didn't get their names drawn, so their bill would be introduced in the House and sit there on the order paper for the whole session, going nowhere, and that must be very frustrating. But I don't know how else you can deal with it if you're going to have some limit on the number you're considering.

**Mr. Gilles Bisson:** I've got two questions, and I'm going to try to do them rather quickly because I want to give our government members an opportunity here. The first one is on the estimates process. Do you have an estimates committee, or do the various committees do their own estimates?

**Hon. Peter Milliken:** The various committees do the estimates of their own departments, as I understand it.

**Mr. Gilles Bisson:** And does that result in every ministry actually being reviewed in some sort of way?

**Hon. Peter Milliken:** Well, certainly it was the practice; from what I'm hearing, it hasn't happened with every ministry recently. Committees sometimes are less interested in that sort of thing, spending more time on legislative stuff. Technically, they're supposed to study the estimates and report them back to the House, but they're deemed reported back if they don't, as I recall.

**Mr. Gilles Bisson:** Okay. Is there a set limited time for the estimates to be heard in a committee?

**Hon. Peter Milliken:** Not in terms of hours in the committee, no, but there will be a deadline when they have to be reported back to the House for the supply bill.

**Mr. Gilles Bisson:** Same as us: There's a report-back date, but if the committee wants to spend 10 hours versus five hours, that's up to the committee.

**Hon. Peter Milliken:** Exactly. I'm sure that's the case in Ottawa, too.

1140

**Mr. Gilles Bisson:** My last question is that of delegated authority. In Ontario—and I don't know if it's the same in Ottawa—there have been, over the years, more and more bills by which the Legislature delegates its authority to regulation. Is that the case federally? Have there been an increasing number of bills that delegate the authority for regulation to a cabinet?

**Hon. Peter Milliken:** I suspect so, not being much involved in the content of bills any more. In this role, I was not doing any of the detailed study or anything like

that on bills, so I don't claim to know a whole lot about that. But I think that is a phenomenon that is happening everywhere, yes.

**Mr. Gilles Bisson:** Two questions come out of that: First of all, are you aware of any type of approval process that the Legislature kept by which to approve new regulations, or is it just cabinet?

**Hon. Peter Milliken:** We have a committee called the Standing Joint Committee for the Scrutiny of Regulations. It's a joint Senate-House committee. They do studies of these regulations to make sure they're in compliance with the law. It gets very little media coverage because the work they do is fairly boring, but they've done some fairly valuable work in this area, in my view.

**Mr. Gilles Bisson:** Can they reject a regulation, or they just make sure that it didn't err in law?

**Hon. Peter Milliken:** I think they make a report to the Houses about it. I don't think they have the power to reject, but if the report is concurred on, it can cause problems for the government because I think the regulation gets into some difficulty. I can't remember the details of it. Nothing formal has happened from the committee for some time, but they have, I'm sure, made reports that have resulted in changes in some of the regulations and stuff like that.

**Mr. Gilles Bisson:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Bisson. Mr. Milliken, we'll now go over to Jeff Leal of the Liberal Party. Jeff?

**Mr. Jeff Leal:** Mr. Milliken, thanks so much for being with us. Your old friend Peter Adams says hello.

**Hon. Peter Milliken:** Thanks.

**Mr. Jeff Leal:** Peter, a couple of questions. I share some of your views about having a more spontaneous question period, but I'd like to ask you about a qualifier: still providing specific time, by virtue of the office that they hold, for questions by the Leader of the Opposition and, indeed, the leader of the third party. What would your feeling on that be?

**Hon. Peter Milliken:** I would have thought they'd be the lead questioners from their party in the slot that would normally be assigned to their party.

**Mr. Jeff Leal:** So the Leader of the Opposition and the leader of the third party would still fill those slots by virtue of the office?

**Hon. Peter Milliken:** Yes. The first question in any question period is going to come from the Leader of the Opposition. That has been the practice for ages. I have no trouble maintaining that practice. The Speaker, I think, would probably indicate that that's the way it's going to be. If the leader is away, there will be a designated person filling in for the leader. The leader will notify him who it's going to be or the House leader will say, "It will be so-and-so today, because the leader is away." So that question—or series of questions, because usually they get more than one—will be somebody designated, and similarly for the third party. I wouldn't have any problem with that.

**Mr. Jeff Leal:** And, in your view, more spontaneity would improve the quality of question period?

**Hon. Peter Milliken:** Yes, that's my view.

**Mr. Jeff Leal:** Peter, I just want to pursue with you—I know you're also a student of Westminster, where the Prime Minister of the day virtually appears once a week to field questions. Members of the crown or cabinet ministers appear, also on a selective basis. How does that work, and would you suggest looking at that option?

**Hon. Peter Milliken:** I guess it depends on how pressured the ministers feel. It works, but I find it unfortunate that that's the only time they get to ask questions of the Prime Minister in the UK. Once a week is, I'm sure, fine for someone who's busy—and the Prime Minister is busy; no question—but I'd have thought he might want to be there and respond more frequently than that.

The advantage of shifting ministers around: Yes, I can see that, and maybe it's an idea that our Legislatures could look at. You'd say, "On a Tuesday we're going to have five ministers present, and here are the five, so your questions are going to be on this kind of subject rather than something else," which is understandable. It may make some sense. If there's some agreement among parties, I'd go for it. They can make that agreement and say, "This is what we're going to do for the next six months of sittings. On Mondays, we will have these three ministers present; on Tuesdays, we'll have these five; Wednesdays, these six; Thursdays, these five; and Friday, these two," and go like that. That could happen. If the opposition parties are in agreement with that, fine.

A lot of ministers are away frequently—I mean, if you watch the House of Commons on a Friday, you'll see how many of the questions are answered by parliamentary secretaries: a huge number. Or one minister will answer a whole bunch of the questions that, of course, have nothing to do with his department. So this does happen now to some extent.

Making arrangements for if you want to call it subject matter for different question periods, in my view, wouldn't necessarily be a bad thing. But that doesn't mean you're restricting who gets to ask the questions and stuff like that.

**Mr. Jeff Leal:** Peter, unless there are very specific circumstances, here in Ontario, of course, parliamentary assistants do not answer questions. How do you feel in Ottawa about parliamentary secretaries answering questions?

**Hon. Peter Milliken:** Well, it's been normal for ages. They are there to assist the minister, so I don't find it odd that they're doing so, even if the minister is present sometimes.

**Mr. Jeff Leal:** Would you suggest that that's something we should look at here in Ontario, to have more engagement in terms of question period and parliamentary assistants?

**Hon. Peter Milliken:** Well, I guess it's a matter of who you want to answer when the minister is not there. Do you want another minister to give the answer or do

you want the parliamentary secretary, who presumably knows something about what's going on in the department, to give the answer? I didn't know that they didn't in Ontario. It's news—

**Mr. Jeff Leal:** The other thing, Peter, I'd just like to pursue is—and time is fleeting here—increasingly, governments of all political stripes, in my view, have an overreliance on omnibus bills. It makes it much more difficult to have accountability through these large omnibus bills, because you throw everything, including the kitchen sink, into these bills. You've watched this process now over many, many years. What's your thought on that?

**Hon. Peter Milliken:** I agree. I think that it makes it tough for members to weigh the importance of various things in the bill and vote for or against it. There will be things in it they support and there will be things in it they oppose. If you put too much stuff in, you can, in effect, make it very, very unpleasant for members to have to make a decision on the bill.

Frankly, it's fair, I think, for members to look at different bills on different subject matters and make decisions on that basis. If you're going to have a bill that is amendments to, in Canada, the Criminal Code, you should be sticking with amendments to the Criminal Code, not changes to the Evidence Act or the Courts of Justice Act or whatever other acts you might want to amend that are in a similar vein but not the same subject matter. So I think there's some argument to be made for making sure the rules put some restriction on how many different laws you can amend in one bill if the subject matter is diverse.

**Mr. Jeff Leal:** One last question, Peter: In Ottawa, is there substantial use of select committees? Have they been used for investigative purposes, or have they been used for policy development?

**Hon. Peter Milliken:** Select committees or standing committees?

**Mr. Jeff Leal:** Select committees. We have standing committees. But from time to time here in Ontario—do they have select committees dealing with a specific topic in Ottawa?

**Hon. Peter Milliken:** They do occasionally have, but it hasn't happened much lately, I don't think. You could check with the clerks there, but I don't think there has been a select or special committee established for any purpose for some time. I don't remember a motion dealing with a special committee passing in the House lately. I mean, it's just not something that happens because they'll often ask a standing committee to undertake the work—the standing committee on a particular subject area—and they're usually happy to do it. So they'll do the work on their own without having a select or special committee established.

Given the number of committees and the amount of time members have to spend on the committees, because most of them have multiple committee memberships, doing another one would simply add a lot of work to their

already demanding schedule, and I don't think it would be wildly popular.

**Mr. Jeff Leal:** Peter, thanks so much for your time. I appreciate your answers.

**Hon. Peter Milliken:** No problem.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, Mr. Leal. Do any of the other Liberal members have questions?

Mr. Clark has another question from the PC caucus. Mr. Clark.

**Mr. Steve Clark:** Thanks, Chair. Mr. Milliken, one of the things that we've discussed at this committee is something that takes place in our Legislature, which is what I would call more proclamation-type bills. We had two that passed through our session: One was Jewish Heritage Month; one was a co-sponsored bill of mine for Major-General Sir Isaac Brock Day. I know that federally you don't have that same system, where you have a proclamation-type bill where it's co-sponsored. Do you have any opinion on that style of bill or any words of wisdom on how those types of issues are dealt with at the federal House?

1150

**Hon. Peter Milliken:** When you say proclamation-type bill, do you mean the bill is declaring a—

**Mr. Steve Clark:** A particular day or month, yes.

**Hon. Peter Milliken:** Sometimes those will pass by unanimous consent. The member who's proposing such a bill won't have been drawn for debate, but he might run around to the other parties and House leaders and speak to them and say, "Could I ask for unanimous consent to pass this bill to declare next Wednesday a national day" of something, or a motion to do that. Those things do happen in our House from time to time.

**Mr. Steve Clark:** So would they go to the House leaders? How would it actually get on the floor?

**Hon. Peter Milliken:** They'd normally go to the House leaders, I think, and then, if there's agreement, the member would stand up and move a motion, or he would move that his bill that's on the order paper and that hasn't been drawn for debate be deemed read a second time, studied in committee, reported without amendment, adopted at the report stage and deemed read a third time and passed. He'd move that motion. There would be unanimous consent to pass it and the bill would pass and be sent to the other House.

**Mr. Steve Clark:** But it doesn't happen that often.

**Hon. Peter Milliken:** No, but it does happen from time to time.

**Mr. Steve Clark:** Okay. Thank you.

**The Chair (Mr. Garfield Dunlop):** We're going to finish it off with Mr. Bisson from the NDP.

**Mr. Gilles Bisson:** I've got a couple of questions. I want you to give up a couple of your secrets, Peter. One is, from a Speaker's perspective, when a House is in disorder during question period, what do you find are the most effective strategies that a Speaker can use in order to bring the House back in order and to allow question period to continue? You can eject a member; you can

stand and let everybody shout until they shut down; you can skip over somebody and not let them continue their question. There are different mechanisms. I'm just wondering, with your years of experience, what do you think is the most effective?

**Hon. Peter Milliken:** I think standing there and calling for order, because usually they want to get on with it; the opposition wants to ask more questions and the government wants to get their questions in and file their answers, and if everybody is just yelling, it doesn't help. So, usually, standing up quiets things down. I never ejected a member.

**Mr. Gilles Bisson:** That's a good thing. I commend you for that, actually.

**Hon. Peter Milliken:** I felt it would be, in my view, unsatisfactory as a punishment, because the member is only out for the rest of the day. There's no financial penalty, no docking of pay, no ban on travel. The member can fly off to Vancouver at House expense if he wants. You're not put out of your office. You can go and have a press conference out front in the lobby there, where the media gather, and have in effect a press conference and tell the media why you got thrown out and why you should have done exactly what you did and all that sort of stuff. I didn't regard it as a very effective punishment and therefore didn't like to do it and didn't. But I could tell the member that he or she wasn't going to be recognized to speak until there was an apology, if the language used or something was offensive, and that happened on occasion. I'd usually get the apology. It might not happen that day, but it would happen—things like that.

I just found it not so useful to throw members out. I think that standing there and calling for order was usually the most effective thing when the noise got out of place, unless the language was really bad. The other thing that I didn't like about it was, I could hear who said something if they were sitting close to me, but people at the far end of the House, if there's a lot of noise, may be saying things that were quite unparliamentary, but I couldn't hear the word, or if I did, I couldn't tell who said it. Then who do you name? Who do you try to punish for doing this? It was very difficult. Often, members don't want to get up and say "So-and-so called me this or that," because they don't want to draw attention to the bad language about themselves. So you didn't hear what it was, and nobody makes a comment.

To punish the people who were sitting close to me and not punish the ones farther away was something that bothered me as Speaker, too.

**Mr. Gilles Bisson:** One last question: When you, as Speaker, didn't attend question period for whatever reason, did you rotate among the deputies who would do question period or did it always go to your deputy?

**Hon. Peter Milliken:** I don't think it always went to the deputy. If the deputy wasn't there, it went to the next one. Especially in minority situations, I tried to make sure that I was there but give them an opportunity to do it once in a while. So I'd take off on a Thursday and let them do a Friday or something so they'd get some ex-

perience doing it. I thought it was important that they have that opportunity. But in a minority situation, I thought it would be imprudent to be away on certainly a Tuesday, Wednesday or Thursday because if something went wrong, they'd say, "Where was the Speaker? Why was the Deputy Speaker in the chair?" and all that stuff, so I didn't like to be away unless I had to be.

**Mr. Gilles Bisson:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** We have one final little quick question from Mr. Leal.

**Mr. Jeff Leal:** Peter, just a quick question: Do you have a formal process in Ottawa to recognize deceased members? I'll tell you what happens here at Queen's Park. Often we do it early in the afternoon. Members of the family of a deceased member are in the gallery, as are friends, and often in the House there is only a corporal's guard of people to hear the speeches by the three parties to recognize a deceased member's contribution to political life in Ontario. Do you have a different process in Ottawa?

**Hon. Peter Milliken:** There's no formal process, but certainly if that happens, if a member died, or a former member, they'll often arrange a time, by agreement among the parties, on when they will have the statements. It usually follows question period at 3 o'clock. The family is sometimes present in the gallery for this. Statements would be made by representatives of each of the three parties. I'd say that it normally happens after question period or sometimes at the opening of the House, but usually after question period, when there are a lot more members present.

**Mr. Jeff Leal:** Thank you, Peter.

**The Chair (Mr. Garfield Dunlop):** Thank you very much. Mr. Bisson, you've got another question?

**Mr. Gilles Bisson:** Believe it or not, this is a huge subject of debate at House leaders' here in this Parliament. We heard from one of your clerks yesterday, or I think it was one of the clerks—somebody; I don't know where I heard this—that apparently there is no formal process for each of the caucuses to speak on behalf of the caucus about the deceased former member. Is that correct?

**Hon. Peter Milliken:** No formal process? I think that's correct. I'm unaware of there being any process, nothing that—

**Mr. Gilles Bisson:** Maybe that was Alberta?

*Interjection.*

**Mr. Gilles Bisson:** Oh, it was Alberta. I'm sorry. Okay. No; I take it all back.

**Hon. Peter Milliken:** But I don't think there's anything in the rules that says that that will happen.

**Mr. Gilles Bisson:** So what you would typically do is, each caucus would get an opportunity to have a few minutes to speak about the deceased member with the family there, etc., right?

**Hon. Peter Milliken:** Yes, if that's agreed, and I think it normally would be.

**Mr. Gilles Bisson:** And it's the House leaders who decide when that's going to happen?

**Hon. Peter Milliken:** Yes. Definitely they would decide that, yes.

**Mr. Gilles Bisson:** Okay.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Bisson.

To Mr. Milliken, thank you so much—

**Mr. Gilles Bisson:** Oh, I have one last question—another House leaders' question.

**The Chair (Mr. Garfield Dunlop):** You've got another question again?

**Mr. Gilles Bisson:** Being a House leader, I've got lots of questions.

**The Chair (Mr. Garfield Dunlop):** Okay. Make it a 30-second question, okay?

**Mr. Gilles Bisson:** It's all right; lunch will still be there.

**The Chair (Mr. Garfield Dunlop):** I'm not having lunch. Go ahead.

**Mr. Gilles Bisson:** A very quick question in regard to ribbons: Do you allow members to walk into the House with ribbons—

**Mr. Bas Balkissoon:** Pins.

**Mr. Gilles Bisson:** —pins and all that kind of stuff? Is that prohibited from the House?

**Hon. Peter Milliken:** No. They can wear them. They're not supposed to wear something that is too big. Certainly, pins are normal.

**Mr. Gilles Bisson:** AIDS day and all that kind of stuff: You just wear the pin, and you don't need unanimous consent to do it.

**Hon. Peter Milliken:** No. Some members even wear a shirt. You'll see someone with a shirt on under their jacket, a hockey shirt or something. It's weird, but—

**Mr. Gilles Bisson:** Not if you're a Montreal fan. It'd be great.

**Hon. Peter Milliken:** Somebody might get up and object and say, "This is out of order for the member to be wearing this," but it hardly ever happens. They just ignore it. There's a fair bit of that going on compared to what used to be, I'd say. But you've got to wear your jacket. If you're a male, you have to wear a jacket and trousers. You might have a T-shirt on over it, but you're supposed to have a tie on as well. You have to be able to see those things somehow, at least in part.

**The Chair (Mr. Garfield Dunlop):** Anything else from anyone?

Mr. Milliken, thank you so much on behalf of the committee.

**Hon. Peter Milliken:** Thank you. It has been a pleasure, Mr. Chairman, to be having this conversation. It's the first time I've done a telephone interview with a committee. It was most entertaining.

**The Chair (Mr. Garfield Dunlop):** We really appreciate your time this morning, and we wish you all the best for the rest of the summer.

**Hon. Peter Milliken:** And I wish you well in your continuing work.

**The Chair (Mr. Garfield Dunlop):** Thank you very much.

Okay, folks, we'll recess now until 1 o'clock, or five to 1. If we could be here at five to 1, we can start with the Saskatchewan deputation. Thank you very much. We're recessed.

*The committee recessed from 1200 to 1301.*

HON. DAN D'AUTREMONT

MR. GREGORY PUTZ

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting to order, everyone. On the line, I understand we have Dan D'Autremont and Gregory Putz.

**Hon. Dan D'Autremont:** Yes, we're here.

**The Chair (Mr. Garfield Dunlop):** Thanks very much, folks, for joining us. My name is Garfield Dunlop. I'm the Chairman of the Legislative Assembly committee. I really want to welcome you and thank you for taking time out of your schedules to join us here for an hour or so. We're looking at reviewing the standing orders here in Ontario, and we're looking for input and just general thoughts on what people are doing in other parts of the country and other jurisdictions around the world. We'll have three different parties—the Progressive Conservatives, the Liberals and the NDP—all asking you some questions this afternoon.

We wondered: Knowing a bit about our topic, did you have any opening remarks you'd like to make?

**Hon. Dan D'Autremont:** Thank you for the opportunity and the invitation to participate. We went through this process starting in about the year 2000 and implemented our new rule structure in 2004, right after the 2003 provincial election. It had been agreed to, prior to that general election, that we would do this. We further refined it in 2007, and we're actually going through it again, reviewing the rules, just to tweak it and put in place some things that we think would make it a little bit better. But our rules are based on a premise that the majority has the right to pass its legislation but that the minority has the right to have a say about it.

**Mr. Gregory Putz:** Just to follow up on what Dan was saying—this is Greg Putz, the Clerk of the Assembly, speaking—our main structures, as Dan was saying, were put into place in 2004, but the calendar part, in which, in my understanding, you have a particular interest, was experimented with in 2006, as I recall, and then it was formalized and made a permanent part of the rules after the 2007 general election. That part of it is the most recent part of a modernization program that started back in 2000.

**The Chair (Mr. Garfield Dunlop):** Would you mind just going over that process for us, folks, just to give us a bit of a Coles Notes version of it?

**Hon. Dan D'Autremont:** What happened in 1999-2000 is, the government House leader at the time, Dwain Lingenfelter—and I was the opposition House leader—approached me about looking at rule changes. We struck a steering committee of the House to do that, and it included Andrew Thomson, who was one of the NDP

ministers at the time and was very interested in modernizing the rules and in fact had written a paper on it; myself, from the opposition; and the Speaker of the day, Mr. Osika. We were the three members.

We sat down with Greg and completely went over our rules to determine what was working and what wasn't, and our main—

**Mr. Gilles Bisson:** Excuse me, I want to ask him a question, a clarification.

**The Chair (Mr. Garfield Dunlop):** We have a clarification question here, please.

**Mr. Gilles Bisson:** Gilles Bisson here from the New Democratic Party. I just want to understand. You went through a process where the Speaker and the two House leaders sat on a committee to review this. Is that what you just said?

**Mr. Gregory Putz:** This is Greg Putz, the Clerk, speaking. We had in those days, before we had a permanent committee that dealt with the rules, a special committee on rules and procedures that was struck to deal with this particular order of reference. Originally, it didn't involve the House leaders. Dan was the House leader for the opposition in those days. Andrew Thomson was not the House leader. In fact, he later became a minister, but at the time, he was a private member. He was from the New Democratic Party, which was in power then, and he was one of—

*Failure of sound system.*

**Mr. Gilles Bisson:** Hello?

**The Chair (Mr. Garfield Dunlop):** We may have lost you.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Are you there?

**Mr. Gilles Bisson:** If I understand the process, there was a member from each party and the Speaker?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. And you have to understand that until recently Saskatchewan had no committee system.

**Mr. Gilles Bisson:** Oh, what a great thing for government. Everything was done in Committee of the Whole, then?

**The Clerk of the Assembly (Ms. Deborah Deller):** Pretty much, but it's a much smaller Legislature.

**Mr. Gilles Bisson:** That's how you deal with the lack of members.

*Interjection.*

**Mr. Gilles Bisson:** No, I would argue you've got to do more in committee, less in the House.

**The Chair (Mr. Garfield Dunlop):** Are we back? Hello, folks. Are you there again?

**Hon. Dan D'Autremont:** We're back.

**The Chair (Mr. Garfield Dunlop):** Okay. I'm not sure what happened, but thank you very much. Mr. Bisson was getting a clarification there.

**Mr. Gilles Bisson:** I think I've got it. There was one member from each party and there was a Speaker who were on the committee to change the rules, as I understand it. So carry on.

**Mr. Gregory Putz:** Just by way of background, Saskatchewan at that time had a coalition government, and the Speaker was from the Liberal Party. Dan was representing the Sask Party and Mr. Thomson on that steering committee was from the governing New Democrats, so it truly was an all-party committee.

**Hon. Dan D'Autremont:** Still there?

**The Chair (Mr. Garfield Dunlop):** Yes. We're here, yes.

**Hon. Dan D'Autremont:** Another light was flashing on my phone.

We initially started looking at structures to change the committee, and when we were looking at that we realized that if we changed the committees, then we needed to change the general rules of the House to suit the new changes we were looking at for committees. At the end of the day, we ended up rebuilding all of our rules.

Also, in doing this, we also looked at various jurisdictions, both across the country and internationally within the Commonwealth. We visited Ontario to look at what you were doing. We went to Ottawa, we went to British Columbia and we toured Australia. We visited Canberra, Sydney, Perth, Adelaide and Wellington, New Zealand. Actually, most of the ideas that we picked up were from the Australian and New Zealand models, particularly what they were doing in Perth at the time. They had just changed their rules as well.

1310

**Mr. Gilles Bisson:** Okay, and you were explaining—

**The Chair (Mr. Garfield Dunlop):** Go ahead, Gilles.

**Mr. Gilles Bisson:** Gilles Bisson here again. So, you then went through that process, and I guess what we're interested in hearing is how your programming motion idea came about and how it actually works.

**Hon. Dan D'Autremont:** One of the things that we did is, we created four standing committees to deal with both the estimates and the legislation that moves through the House. Rather than legislation going to the Committee of the Whole and estimates going to the Committee of Finance, they now go to one of the four standing committees. So the ministers will direct a piece of legislation to an agreed-to standing committee. They're all listed, prior to the start of session, where most of the bills will go, but they have the ability to send it to a different committee. Generally when that happens it's because one committee is being overloaded. Estimates: The list is already made—which ministry belongs to which standing committee. This allowed us to run two committees at a time, which previously, with the Committee of the Whole or the Committee of Finance, we could not do. It shortened up the amount of physical days needed to do the work, but didn't change the amount of time involved.

**The Chair (Mr. Garfield Dunlop):** Gilles, if you want to just keep asking questions—

**Mr. Gilles Bisson:** No, please continue. I just want to hear how you evolved to where you got to where you—because, as I understand, in Saskatchewan, you have a process by which you sit down at the beginning of the session and then in your standing orders there's a process

by which you decide how you program your business through the House for the fall or the spring session. I'm sort of curious how that works. We, in Ontario, for the first time, did a very short programming motion this spring that lasted two or three weeks and dealt with three, four or five bills—whatever it was. So it's fairly new to us, and we're just wondering how you developed your programming motion, how it works and what the experience has been, if you can speak to that.

**Mr. Gregory Putz:** I think what you're talking about is our calendar.

**Mr. Gilles Bisson:** Yes; we call it programming.

**Mr. Gregory Putz:** Right. When our committee looked into having a parliamentary calendar for the Saskatchewan assembly, we looked at various jurisdictions across the country, and it seemed to us that many of the calendars in existence then were based on motions. They became sessional orders and they didn't necessarily work. It seemed to be that the programming part would fall to the wayside and something different than what was planned at the beginning eventually would happen.

The assembly here decided that they wanted to put all of that into the actual standing orders, and that was the beginning of our calendar. So basically the way it works is that in the fall period, the assembly convenes with the throne speech. We used to have our throne speech in the spring, but the session begins in the fall, generally the third Wednesday in October—

**Mr. Gilles Bisson:** Just one second. Point of clarification: Every fall you have a throne speech?

**Mr. Gregory Putz:** Yes. And then the debate on the address in reply ensues, but it also is the period—the fall period of the calendar has 25 sitting days—

*Failure of sound system.*

**The Chair (Mr. Garfield Dunlop):** Hello? Lost them again.

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** We used to do it here as well. There would be a throne speech starting the session off in March and we'd do the address in reply of the debate of the throne speech. Then it would be the budget—much like we've actually done in this session. Then there would be the fall sitting and then we'd prorogue in December, and the whole cycle started again next year.

**Mr. Gilles Bisson:** But you would carry over bills—  
*Interruption.*

**Hon. Dan D'Autremont:** Okay, we're back again.

**The Chair (Mr. Garfield Dunlop):** Okay, we're back on. Sorry about that, guys—whatever is happening. Go ahead, continue on.

**Mr. Gregory Putz:** Okay, I was explaining the—  
*Failure of sound system.*

**The Chair (Mr. Garfield Dunlop):** Hello?  
*Interruption.*

**The Chair (Mr. Garfield Dunlop):** Okay, folks, I understand we're back on.

**Mr. Gregory Putz:** No, they're not on a cellphone, I don't think.

**The Chair (Mr. Garfield Dunlop):** We're on the phone; yes, we are.

**Mr. Gregory Putz:** No, somebody was just asking if you were on a cellphone.

**The Chair (Mr. Garfield Dunlop):** No, we're not.

**Mr. Gregory Putz:** I suspect you're not on a cellphone.

**The Chair (Mr. Garfield Dunlop):** No.

**Hon. Dan D'Autremont:** Pay your phone bill.

**The Chair (Mr. Garfield Dunlop):** I'm not sure about that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Greg, it's Deb here.

**Mr. Gregory Putz:** Hi, Deb.

**The Clerk of the Assembly (Ms. Deborah Deller):** Hi. We're thinking it's SaskTel, because we haven't had any trouble with anybody else in this whole process.

**Mr. Gregory Putz:** I don't know about that, but I won't get into that debate with you.

Anyway, I guess I'll just carry on where I think I left off. I'm not sure what you heard of that, but I was just saying that there's an incentive in our standing orders—

*Failure of sound system.*

**The Chair (Mr. Garfield Dunlop):** Folks, we're ready to go again.

**Mr. Gregory Putz:** I was saying that in the standing orders, there's an incentive for the government to get its agenda in in the fall. Generally, that is the case. So we have, before the House recesses for its break at Christmas, usually the full government agenda, except those bills that are more closely associated with the budget, and I'll explain that in a moment.

The spring part of the session begins basically at the discretion of the government. But, again, the mechanics of our calendar rule is that we don't adjourn for the summer unless there are 28 days between the introduction of the budget, so there's at least that amount of time for a budget debate. The budget day usually is driven by the willingness to get out of the assembly by the Thursday before Victoria Day. That, in turn, drives the start date in March so that we have the requisite number of days.

In the spring part, we have 40 sitting days prescribed by our rules, with that other part, as I mentioned, where you have to have at least 28 days for the debate on the budget. Generally speaking, our spring part of the calendar begins at the beginning of March, sometime in the first week of March. Usually, 10 days to two weeks later, the government introduces its budget. We have the debate on the budget motion, and then that opens the door for the estimates to be distributed to the various standing committees.

Another premise in all of this is that if the government gets its agenda in in the fall, as I said, they're guaranteed to have a vote on all of their pieces of legislation on the day before the House is scheduled to adjourn for the summer. But in order to do that, the legislation, if it hasn't passed already, has to have 20 hours of debate. If the bill meets that threshold, the Speaker then will cause all the votes necessary to dispose of the legislation to

take place on the day before. In this way, there's a balance.

1320

Generally speaking—and this was worked out in the negotiation process by the rules committee. It was felt that if an opposition wanted to take a bill to the wall, 20 hours was sufficient. Generally, when an opposition, given our legislative history, took an issue to the wall, it was around the 20-hour mark. We had some exceptions of bills that were debated more than 100 hours. The two sides agreed that sometimes when you get on the back of a tiger, it's hard to get off, so if you had that prescribed in the rules, then it would be an easy way for the opposition to say that they've done everything they could, they've got their 20 hours in on this, and then at the end of the day the government knows the legislation is going to be passed; there's no need for sessional orders, for time allocation and that sort of thing.

On the budgetary side, our average had been 75 hours of debate, and that was built into the calendar process as well. Once the estimates get to the committees, if all of the estimates have 75 hours and at least two hours on each, if they haven't been passed before the end of that date prescribed before the end of the spring sitting, then the Speaker again will cause all of that business to come to a vote.

In essence, in a nutshell, that's the basis of our programming. We've been operating on that premise with our standing orders since 2007, and it has worked generally well. We've had a few hiccups with this now and again, but generally, I think all members are pleased with the calendar. We've adjourned for the summer, as scheduled, on the Thursday before Victoria Day, without exception.

**The Chair (Mr. Garfield Dunlop):** Gilles, have you got any more questions at this point?

**Mr. Gilles Bisson:** I have a ton of questions, but maybe—

**The Chair (Mr. Garfield Dunlop):** Why don't you take about 10 minutes and then we'll go to the Liberals?

**Mr. Gilles Bisson:** I'm trying to work this out. What I understood you did was that the government had to say what legislation it wants to pass by a given date, and so the government would say, "I've got 10 bills that I want to do," and then there was a discussion and the opposition had to go away and figure out, "We have so much time in total. How much time do we want to spend on whatever bills?" The orders of the day were determined by the opposition in regard to which bills they want to talk out and which ones they want to let go fast. But that's not what's going on, from what you're telling me.

**Hon. Dan D'Autremont:** That would be part of the negotiations that would take place between the government and opposition House leaders. The government has to bring in their legislation in the fall to be what we call a specified bill, which means they can force a vote in the spring if they get the 20 hours on it. If they don't, then it's up to negotiations between the House leaders to determine which bills would come forward and how much

time they would get. A lot of that negotiation, though, is more focused around the estimates side as to how much time is allocated, say, to the Ministry of Health versus government services, as an example. Those times are negotiated a lot more than the actual legislative side.

**Mr. Gilles Bisson:** I'm just going to let other members ask questions, because I'm more confused now than I was at the beginning, to be honest. Maybe Mr. Leal wants to start.

**The Chair (Mr. Garfield Dunlop):** Okay, hold on a second. I'll chair the meeting.

**Mr. Gilles Bisson:** No, I'm not trying to usurp your job as Chair. I'm saying that I just want to mull over what he said before I ask the next series of questions, because I'm now more confused than I was at the beginning.

**The Chair (Mr. Garfield Dunlop):** Okay, I'm going to let the Liberals ask some questions now. Mr. Leal?

**Mr. Jeff Leal:** Thanks, Mr. Chair. Mr. Speaker and Mr. Putz, thanks so much for being with us today. I just want to try to get a few more specifics on the programming motion. You indicated that there was a speech from the throne in Saskatchewan, and then that is followed up with a programming motion that the government of the day lays out as its legislative agenda. Do they, through that process, coming out of the speech from the throne, identify specifically bills A, B and C that they want as part of that programming motion to be debated during the spring session, and do they lay out—you said 20 hours max for the opposition. So they lay out all that technical information in that programming motion so that everybody knows exactly what's going to transpire on a go-forward basis.

**Hon. Dan D'Autremont:** No, that's not how it works, actually. What you're calling the programming motion is in our standing orders. We don't do anything special or specific at the beginning of the session; it's already agreed to in our standing orders. Everybody knows before the session even starts that we're going to have 65 days.

The specific bills or the bills that the government wants to bring forward in the fall are those that are designated, and, in most cases, the government's bringing forward 30 to 80 bills in the fall. Those are all specified bills that then a vote can be forced on to the spring, provided they get the 20 hours on any one particular piece of legislation. So then it's up to the government to make the determination which bills they wish to present to the House to get that much time on, or, if the opposition is prepared to allow them to go to a standing committee, then to bring them forward in the standing committee to get further debate on them there. That's how you would get the 20 hours. But the government doesn't say, "Well, we want bill number 1 to go through absolutely." That isn't done.

**Mr. Gregory Putz:** Generally speaking, the government, for the bills that they want to get through, because they control government orders, they will put those at the top of the agenda each day. Then the opposition, of

course, will decide which bills they want to concentrate on and that's where they'll spend the time. In our system, it's 20 hours maximum per bill. For the most part, nearly every bill is passed before we get to the end of session. The opposition decides which bills it wants to concentrate on, and it will spend its 20 hours on those particular bills.

I'll give you an example from this past session. We had an amendment to our Election Act which called for the creation of three new constituencies in the province, bringing our total number of seats up to 61. That was hotly contested, and the opposition made it well known that they were opposed to this. Every time that bill was called, they were speaking it out to the end of the day. The government, of course, wanted to get that through, so they made sure and accommodated the opposition by making sure that it was the first item of their choice to be called each day because they wanted to see it through to get those 20 hours. They knew it would pass once it met that threshold. The opposition, for its part, wanted to say that they used every available hour under our rules to oppose that piece of legislation.

**Hon. Dan D'Autremont:** The 20 hours, though, is a minimum. Some pieces of legislation have had more than the 20 hours of debate because the government agreed to bring them forward again for further debate. The government wouldn't have to do that. In most cases, the 20 hours minimum has become the maximum as well, but not in every case.

**Mr. Jeff Leal:** So, sir, what you're indicating to me is that through this calendar process, Saskatchewan has no provision in its standing orders for time allocation.

**Hon. Dan D'Autremont:** Yes, we still do. Time allocation not in closure, but in extending the hours of the day.

**Mr. Gregory Putz:** And you can tell right away. Say we have 60 bills that session and the opposition decides they're going to spend 20 hours on each bill. We wouldn't have near enough hours in any given session to cause all the bills to meet that 20-hour threshold. We've had one case where the opposition did oppose everything, and the government House leader, who happens to be our current Speaker, brought in a sessional order to increase the daily sitting times in order to accommodate their desire to have ample time for debate on every bill.

**Hon. Dan D'Autremont:** The other tool that the government has is that the committees can sit outside of the regular hours of sitting. So you can sit later on in the evenings, you can sit—we don't normally sit Fridays, so committees can sit Fridays, Saturdays and Sundays, so all [inaudible] the government has.

**Mr. Jeff Leal:** Thanks very much. And thank you, Mr. Chair. I'm finished at this time.

1330

**The Chair (Mr. Garfield Dunlop):** Are there any more questions from the Liberal caucus? Okay. Mr. Bisson, you had a question?

**Mr. Gilles Bisson:** Yes. Just in follow-up to Mr. Leal's question: You don't have time allocation but what

you do have is the ability to call the motion to extend the House sitting to Friday, Saturday, Sunday or evenings or whatever.

**Hon. Dan D'Autremont:** That's correct.

**Mr. Gilles Bisson:** If I understand it—I think I get it—there is a minimum time for debate, but if the opposition party and the government agree, "This is a no-brainer bill; we don't want to spend 20 hours on it," you don't have to use the 20 hours.

**Hon. Dan D'Autremont:** That's true. With most of the pieces of legislation, you're probably looking at maybe two hours.

**Mr. Gilles Bisson:** Okay. The point is that, let's say you had 60 bills—I would be surprised if we had 60 bills. How many bills on average, Deb, do we get a year? Thirty?

*Interjection.*

**Mr. Gilles Bisson:** No, government bills.

**The Clerk of the Assembly (Ms. Deborah Deller):** I don't know, on average. Since the first session, it's probably around 80 to 100.

**Mr. Gilles Bisson:** Yes, okay. All right. I stand corrected. It just doesn't seem that many to me, Deb.

Anyway, the point is this: If you had 60 bills and you read your throne speech, does the opposition know, once you've read your throne speech, what all your bills for the entire session are going to be?

**Hon. Dan D'Autremont:** No, they don't. They will learn that generally over the period of the 25 days of the fall session.

**Mr. Gilles Bisson:** Of the fall session.

**Hon. Dan D'Autremont:** Right. The government will bring in bills in the spring, but as the government House leader, I would always tell my ministers, "The only way I'm bringing this to the floor of the House is if you have an agreement from the opposition to allow this particular bill to move forward."

**Mr. Gilles Bisson:** So if you want to pass the bill in the session this year, you have to have it introduced by a certain date in the fall.

**Mr. Gregory Putz:** Correct.

**Mr. Gilles Bisson:** And that's normally just before the Christmas break, I would think, right?

**Mr. Gregory Putz:** And as the Speaker was saying, if they get their bills in by that date, then they're specified on the order paper for passage if they meet that 20-hour threshold.

**Mr. Gilles Bisson:** Okay, but let me come back to the basic question. The government, if they want to be assured to pass the bill within that calendar year, has to have it introduced before the Christmas break?

**Mr. Gregory Putz:** Correct.

**Mr. Gilles Bisson:** And the only way that you essentially can have it passed, if there's opposition, is that after 20 hours, there's a vote that's forced. What happens at that point?

**Hon. Dan D'Autremont:** The vote will be forced on the second-last day of the session, so the government simply would not bring that forward any—

**Mr. Gilles Bisson:** Oh, so you pile up all the votes on the last day.

**Hon. Dan D'Autremont:** The second-last day; that's right.

**Mr. Gilles Bisson:** So you could have 60 bills, and if the opposition was oppositional to every one of your bills, you would then, on the last sessional day, sit until you voted on all 60.

**Mr. Gregory Putz:** Correct.

**Mr. Gilles Bisson:** Provided they had 20 hours of debate each.

**Hon. Dan D'Autremont:** That's right.

**Mr. Gregory Putz:** You've got it.

**Mr. Gilles Bisson:** That's the way it works. Okay. Now you've kind of answered my question.

**Mr. Gregory Putz:** Generally, oppositions don't want to debate all those, as we've been discussing. We might have 60 bills a session, but all but three or four of them could be just generally housekeeping bills, simple amendments. The opposition will pick two or three that they really want to debate, and then those are the ones that become the focus of most of the debate in the House on legislation.

**The Chair (Mr. Garfield Dunlop):** Gentlemen, we're going to go now to Steve Clark from the Progressive Conservative caucus.

**Mr. Steve Clark:** Thanks, guys. Just to pick up on a little bit about what we were just talking about: You've got everything programmed. Your Monday and Tuesday are the same programming day. You end at 10:30 at night, with the little 5-to-7 break. You don't meet at any times in the Legislature outside of those four scheduled days, so you don't meet later on Wednesday when you have to; you don't meet past noon on Thursday; you just stick within the schedule. There are no late sittings; there are no emergency debates; there are no extensions.

**Hon. Dan D'Autremont:** There can be, if the government wants to bring in a motion to extend [*inaudible*]. But committees can meet outside their regular sitting hours. So if there's a debate on the floor of the assembly on the bill, then it's all done in the regular times unless there has been a motion to change that.

**Mr. Steve Clark:** No, but your daily order of business: How often would you extend your daily order of business on, let's say, a Wednesday, when you don't sit past 5 o'clock? When would you convene a 7-to-10:30 night on a Wednesday night to deal with your daily order of business—ever?

**Mr. Gregory Putz:** We've done that once since 2007.

**Mr. Steve Clark:** So once in five years.

**Hon. Dan D'Autremont:** Yes. But committees which are hearing legislation often sit outside of the regular sitting hours.

**Mr. Steve Clark:** Okay.

**Mr. Gregory Putz:** The key here is that the item needs to get to, as far as legislation is concerned, the committees. Until a bill gets second reading, it stays in the assembly. In the case of the example I gave you, the 20 hours was expended at second reading.

**Mr. Steve Clark:** Okay, so under the terms of your committees, how often, then, would your committees convene on a Saturday to deal with their work?

**Hon. Dan D'Autremont:** I don't believe it's ever happened. I've sat Fridays, which is not a sitting day, and we have sat lengthy evenings or Monday and Tuesday morning or [*inaudible*] evenings.

**Mr. Gregory Putz:** But generally speaking, those are the exceptions to the rule, and we've not had the case where any estimates have been forced to a vote. Generally, when we have sat days, it's worked out by agreement by the House leaders, because the members all have an interest in getting the work done and being out of here by Victoria Day.

**Mr. Steve Clark:** Okay. A little off what we've been discussing, but we've had a number of people we've talked to at committee about question period. I notice with interest that your question period is 25 minutes. We've also talked about government members lobbing soft questions, almost like member statements, through question period. Run me through your normal 25-minute question period, because to me that's pretty light.

**Hon. Dan D'Autremont:** Yes, it's 25 minutes—one minute for the question and one minute, or one minute and 10 seconds, for an answer. Government backbenchers—I can't tell you the last time one of them was recognized for a question. It doesn't happen. It's not against the rules; it's just that the Speakers are generally blind to them.

**Mr. Steve Clark:** You were breaking up a little bit. Can you just go over that again? We want to make sure we get it properly.

**Hon. Dan D'Autremont:** Okay, 25 minutes is the time for our question period, with [*inaudible*] of one minute for a question and one minute, one minute and 10 seconds, for an answer, and government backbenchers—I don't know that they were once recognized in the last few years. It just doesn't happen.

**Mr. Gregory Putz:** I don't think that a government backbencher has been recognized since the very early 1990s, and then all hell broke loose over that. As the Speaker has mentioned, generally he ignores them if they get up. I've been here since 1987, and I can probably count on one hand the number of times a government member has gotten up to ask a question.

**Mr. Steve Clark:** Wow, that's fascinating. So the Speaker just decides the rotation?

**Hon. Dan D'Autremont:** Well, the opposition decides for themselves who they want to put up, when we had the one opposition party. The second opposition or the third opposition party were allocated time based on their percentage of the House.

**Mr. Steve Clark:** Oh, okay.

**Mr. Gregory Putz:** And if there is a dispute, the Speaker would encourage them to come to some accommodation. The Speaker always said, "If you can't, then I'll make the decision. You might not like my decision, so it's in your best interest to come to some agreement

amongst yourselves." That also applied when we've had independent members.

**Hon. Dan D'Autremont:** So what we would generally try and do for a second or third opposition party or an independent member is to build up enough time for them to ask three questions in a row.

**Mr. Steve Clark:** Okay. Can you just help me out with your 1:30 to 5 o'clock in terms of timing: how long the statements are, petitions? You know, how you allocated your time.

**Hon. Dan D'Autremont:** Okay. Petitions—we only allow the member to present one petition so they can't continually get up and present different petitions. We only allow one petition of one particular kind per day, so the different members have to have different petitions. Petitions can only run for a maximum of one hour, and all we allow them to do is basically read the prayer of the petition. We do allow them to indicate where those petitions came from.

**Mr. Gregory Putz:** Generally that takes us on average 10 to 15 minutes a day.

1340

**Hon. Dan D'Autremont:** Members' statements: We allow eight a day—or 10 minutes, basically is what it is, but it ends up being eight a day, with a maximum of 90 seconds for each one.

Then we have routine proceedings, question period, introduction of bills—I guess that's basically about it.

**Mr. Gregory Putz:** We also have reports from standing committees.

**Mr. Steve Clark:** How many members do you have again? Sorry, I've forgotten.

**Mr. Gregory Putz:** Fifty-eight.

**Mr. Steve Clark:** Okay. Thanks.

**Mr. Gregory Putz:** That's routine proceedings. We usually spend a lot of time introducing guests.

**Hon. Dan D'Autremont:** Yes.

**Mr. Gregory Putz:** There's a period for introducing guests. There are some days that everybody and his dog is introduced.

**Ms. Lisa MacLeod:** Yes, we have that problem.

**Mr. Steve Clark:** There have been some discussions here about wearing ribbons and buttons. What's your policy regarding members wearing paraphernalia in the chamber?

**Hon. Dan D'Autremont:** We allow them to wear ribbons—nothing that would be commercial. If you're a gentleman, you have to wear a jacket and tie. I've seen in the past where some members have worn a T-shirt under their jacket over top of a tie, which was allowed. But generally, if your button is too big, it becomes an exhibit, and exhibits are not allowed.

**The Chair (Mr. Garfield Dunlop):** Steve, any more?

**Mr. Steve Clark:** You can go to some other members.

**The Chair (Mr. Garfield Dunlop):** Ms. MacCharles wanted a question, and then Mr. Bisson. Tracy, go ahead.

**Ms. Tracy MacCharles:** Good afternoon, gentlemen. My name is Tracy MacCharles. I am the MPP for Pickering—Scarborough East. First of all, I just want to

say thank you for the information you're providing to this committee.

I'm interested in any high-level information you have on the demographics of the elected members. I think I heard that there are 58 members. I'm wondering if you could tell me, for example: How many of those are women? What's the average age of your members? Do you have that at a high level? I'd be interested in other demographics, but if you could just give me a sense of that, that would be great. Thank you.

**Hon. Dan D'Autremont:** Just off the top of my head, I think we have eight to 10 female members. Your average age is probably 50 to 55.

**Mr. Gregory Putz:** We do have quite a few very young members who were elected at the last election, but unfortunately we actually have fewer women now than what we've had in the past. It is an issue here, and both caucuses have expressed that. It's a concern to both parties here. I know that; they've said that publicly.

**Ms. Tracy MacCharles:** The issues around declining female representation: Are you aware of any specifics around that, like daycare supports or other accommodations for family?

**Hon. Dan D'Autremont:** The odd time, those issues are raised, but I think probably the larger issue is women putting their name forward to run.

**Ms. Tracy MacCharles:** Just in terms of other representation, how reflective do you feel that the Legislature is in terms of other groups? We chatted about gender, but I think many Legislatures struggle, as you mentioned, to get certain people to run, to make it a truly democratic process. How reflective do you feel the Legislature is in terms of representation of other groups, as made up by your province?

**Hon. Dan D'Autremont:** We don't have huge visible minorities in Saskatchewan. Probably the largest one might be our First Nations, and we do have representation there on both sides of the House.

**Ms. Tracy MacCharles:** Do you have any persons with permanent disabilities in the Legislature, and if so, how are they accommodated?

**Hon. Dan D'Autremont:** We have had members with wheelchairs, and accommodations are made for them to reach the floor of the House and the seats as needed. We had temporary ramps put in place to accommodate that. But when you mention disabilities, I think most of the general public thinks all members have a mental disability or they wouldn't run.

*Laughter.*

**Mr. Gregory Putz:** If I could add that—

**Ms. Tracy MacCharles:** I don't actually find that funny.

**Mr. Gregory Putz:** —when we put our calendar into place, that was one of the things members were interested in having: a set, predictable time when the House would be meeting. They hoped that that might help attract younger people, women as well. I don't think it was said in any of our rules committee reports, but that was one of the things that, when discussed with other jurisdictions—

having a set, predictable time that people could plan their lives around was of great interest to our members.

**Ms. Tracy MacCharles:** Okay, thank you very much.

**The Chair (Mr. Garfield Dunlop):** Thank you, Ms. MacCharles.

Now, Mr. Bisson had a question before I go back to Mr. Clark.

**Mr. Gilles Bisson:** Gilles Bisson here again. I want to understand something. Let's say there's an agreement that a particular bill is only going to have a couple of hours of debate at second reading. Is the vote taken then, or do you stack all your votes at the end?

**Hon. Dan D'Autremont:** Generally, the government would prefer to have it done at that point in time, but I know when I was the opposition House leader, I would prefer to have it done more towards the end of the session.

**Mr. Gilles Bisson:** But it's the government that decides when the vote is going to get called, or can the opposition defer it to the end of the session?

**Hon. Dan D'Autremont:** Generally, what would happen is, in negotiations, the opposition would say, "We're done dealing with this bill, but we don't want to vote it. If you bring it up, we're just going to waste time on it."

**Mr. Gilles Bisson:** So that was the incentive for the government to defer it to the end.

**Hon. Dan D'Autremont:** That's right.

**Mr. Gilles Bisson:** So essentially, the practice is that you defer the majority of the votes on bills to the last day of the session.

**Hon. Dan D'Autremont:** No, no. You'll maybe defer it into the last month.

**Mr. Gilles Bisson:** Okay.

**Mr. Gregory Putz:** The opposition might pick five or six they want to defer, but as I said, generally, I think since we've had this rule, we've only had a small handful of bills that actually have had to be forced to be voted on that day before the end of session. The opposition has let most of them go—well, nearly all of them, with those few exceptions—before we get to that day where the Speaker, then, would intervene and cause a vote.

**Mr. Gilles Bisson:** All right. Do you have a rule around deferrals? Can you defer a vote? For example, here in Ontario, if we're having a second or third reading vote, the whip of a party can introduce a deferral slip to push the vote off to another day. You don't have that, by the sounds of it.

**Mr. Gregory Putz:** No. We experimented with that in the late 1980s. We had it for part of one session. Members didn't like it, and we haven't seen it since. You're talking about stacking votes.

**Mr. Gilles Bisson:** Yes. I'm just saying—I'm trying to figure out how you get to a second reading vote, and what I think you're saying to me is, if the parties agree, then you'll have a vote in the session whenever. If the parties don't agree, then the opposition says, "Well, next time you call it, I'm just going to debate it, so don't try to bring it for a vote."

**Mr. Gregory Putz:** Exactly.

**Mr. Gilles Bisson:** What that essentially does is allow the government and the opposition to come to an agreement and say, "Okay, in the last month of the session on Tuesday, we're going to vote on these bills. In the following week, we're going to vote on those bills," etc.

**Mr. Gregory Putz:** You have to remember that even though we have this calendar and a lot of it is prescribed, it still requires the same sort of negotiation between the two House leaders to plan the agenda every day and through the full session.

**Mr. Gilles Bisson:** Now, in regard to calling the order, it's still the government that calls the order, right?

**Mr. Gregory Putz:** Yes. On every day except private members' day, the government House leader decides what items will be called first.

**Mr. Gilles Bisson:** So if I'm the opposition party and we decide you have Bills 1 through 60 that are being proposed this year and I have a real issue with five of those bills, do I have any mechanism, as the opposition, to determine which days those five bills will get called?

**Hon. Dan D'Autremont:** No, other than letting the government know, "These are the five bills that we want to debate, and if you want to get these passed, you either need to negotiate it with us or allow for the 20 hours of debate to happen. If you fail to do that, then your bill is not going to pass."

**Mr. Gilles Bisson:** But it will pass, because the government then says, "Okay, then we're going to sit here forever until they all get through 20 hours."

**Mr. Gregory Putz:** Well, that's what happened with this constituency boundaries issue I was talking about. The government called that every day until it had its 20 hours. The opposition would have preferred to leave that, I think, until the very end of session, but the 20 hours was expended and then it just wasn't called again until it had to be voted on that day before the end of session.

We told you about one session where I guess there was no negotiation—and Dan would know about this better than I would, but the opposition didn't like the order in which the government was bringing forth items, and it was debating everything. I'm not sure what their purpose was, but that's what spawned the sessional order to extend the daily sittings from 8 in the morning to midnight every day.

1350

**Hon. Dan D'Autremont:** To 1 a.m.

**Mr. Gregory Putz:** Well, it was amended to 1 a.m. by the opposition House leader for reasons I still don't understand; I guess he wanted an extra hour in there. That's the only time we've had this impasse, but I think the root of it, along the lines of what you're suggesting, is that the opposition couldn't get its way as far as the government ordering the agenda.

**Hon. Dan D'Autremont:** But also, which is different than maybe what you have, we have a set time frame, 65 days, to deal with all the legislation. So if the government isn't prepared to negotiate with the opposition, at the end

of the day it means none of the government legislation will pass before the end of session.

**The Chair (Mr. Garfield Dunlop):** Okay, guys. I'm going to switch it over now to Lisa MacLeod and Steve Clark from the PC caucus, and we'll finish it off with Ms. Deller.

**Ms. Lisa MacLeod:** Thanks very much, Chair. Hi. Lisa MacLeod, MPP from the Progressive Conservative Party. I had an opportunity a couple of years ago to actually go to your chamber through the Commonwealth Parliamentary Association, and I did meet a few of your female members. I know you've had an election since and I'm not sure if they're still there or not. One of the things I did notice is that on the main floor, there wasn't a washroom for the female legislators, so it was quite interesting. I had been involved in helping make our Legislature family-friendly, so some of those initiatives were discussed by a member of the Saskatchewan Party and the NDP there.

I do have a quick question for you with respect to your process in coming to grips with this new set of standing orders and the routine that you have. I know you mentioned you travelled. How long did your process take?

**Hon. Dan D'Autremont:** Well, from start to finish, from the time we started to the time we actually implemented the rules, it was probably four years.

**Ms. Lisa MacLeod:** Wow.

**Mr. Gregory Putz:** Part of that, though, was that we agreed in principle to what they wanted to do, and then they gave me the task, as clerk to the committee, of drafting the rules. Then of course those rules were brought before the committee and it took some time for the members to agree to the actual rules, but then they decided they wouldn't implement them until after the next general election. The time period was four years, but the package was completed in probably two years.

**Ms. Lisa MacLeod:** And were all of the members—was it a standing committee or an ad hoc committee or a select committee? How did you approach that?

**Mr. Gregory Putz:** It was a special committee. Part of the reform was that this committee be made permanent, so now we have a permanent committee called House Services that reviews rules periodically, and as the Speaker said at the outset, we're actually looking at our rules and going to refine what we have, now that we've had some experience with our calendar.

**Ms. Lisa MacLeod:** So your Speaker is involved in this periodic review of the standing orders?

**Mr. Gregory Putz:** He's automatically the chair of that committee.

**Ms. Lisa MacLeod:** I see. Okay, so this is a bit different than the process we've embarked upon, although we are a standing committee. With that special committee that you created with the Speaker as the chair, was it the same people that appeared at every meeting, or was it typical to see a number of different subs or changes in the composition?

**Hon. Dan D'Autremont:** Generally, it was the same people.

**Mr. Gregory Putz:** That's because what they did was set a subcommittee to look at this, and those members were at every subcommittee meeting. Then the subcommittee proposed the changes to the main committee, and once the main committee approved those, then we started drafting the rules. But again, it was a subcommittee that looked at the draft, and the package then was brought back to the main committee for approval and debate, and when the main committee approved that, then it was reported to the assembly.

**Ms. Lisa MacLeod:** So you had this obviously very laborious task for two years. When did you make the decision that you should see other jurisdictions? Was it at the beginning or the end? And was it even beneficial to you?

**Hon. Dan D'Autremont:** It was made near the beginning of the process and it was actually very beneficial. When we looked at our own structures—I'll use the committees as an example—we had an extensive committee structure. The problem was, it didn't work. We had an agriculture committee that had not sat for 45 years, yet it was our largest economic generator—always had members on it, but never sat. Most of our committees were of a similar nature. The only two committees that sat on a regular basis were the scrutiny committees: public accounts and our crown corporations committee. So while on paper it looked like we had a very good system, it was dysfunctional. Our concern was that in looking at other jurisdictions on paper it may look like they have good structure, but until you talk to the members that are involved in it, you don't know if it works or not.

**Mr. Gregory Putz:** And just to add to that, as the clerk to the committee, as I said at the beginning, each caucus was invited to put forward a paper to the committee on things that interested them. Once we had that, one of them was committee reform. Then they asked what was going on in other jurisdictions. As clerk, I presented to the committee basically a cross-sampling of what other jurisdictions in Canada and the Commonwealth were doing. The members then decided what interested them and then they decided to go and visit those jurisdictions to see how the rules worked. As the Speaker said, sometimes in standing orders you might look like you have a good system; they really wanted to talk to members to see how it works in practice. That was the reason why they decided to travel.

We also mentioned that the policy field committee system that was in place in many of the Australian states interested the committee, and that was the reason for travelling to Australia to review their system. We went to all of those states in Australia; in the course of about nine days, I think we were in seven cities. It was very much a fact-finding mission, and that became the basis for developing in principle what this assembly wanted to do with its committee system.

**Ms. Lisa MacLeod:** I just have a couple of quick questions. One is, it was a fact-finding mission. Did the public or the media get angry with you for going on a fact-finding mission?

**Hon. Dan D'Autremont:** No, there was no negative response that way because we came back and made changes to our rules based on what we saw. I would think that if we had gone and spent even more time and done nothing as a result, we would have been criticized for that.

**Ms. Lisa MacLeod:** Absolutely. One final question, because I know my colleagues do have some questions for you as well.

**Mr. Gregory Putz:** If I could just add, it wasn't the full committee; it was just the subcommittee. As it turned out, the Speaker ended up going into cabinet, so actually it was Mr. D'Autremont and Mr. Andrew Thomson and myself. It was basically three people, so the costs were much lower.

**Ms. Lisa MacLeod:** Okay. That's actually a good point.

Just finally, I'm very interested in special and select committees in terms of how they can bring depth and influence to a debate on public policy. My question for you: You have presenting reports by standing committees and special committees each and every day. The first question is—and I'll follow it up very quickly with the second—do you use a lot of special committees outside of just the rule changes in terms of social or economic policy to report to the government?

Number two is: When your reports are presented, is it just read into the record or is there an opportunity for the Chair of said committee to make a statement, and is there any debate?

**Hon. Dan D'Autremont:** We rarely used special or select committees anymore once we put in place our standing committees. Those committees do all of the work, basically. They also have the right to self-reference. So if the committee themselves decides they want to do a study on A and the government doesn't recommend it, they still have the ability to go and do that if the committee decides that that's what they want to do.

When the reports come to the chamber, they're debatable motions, so both the Chairman and any other member has the opportunity to rise and to debate anything that may happen to be in that report.

**Ms. Lisa MacLeod:** I very quickly wanted to say thanks. This has been very informative and very helpful for me. I appreciate it.

**The Chair (Mr. Garfield Dunlop):** Thanks, Lisa. Steve and then Gilles.

**Mr. Steve Clark:** Just one other question I wanted you to clarify, and that is this: My understanding, from looking at your calendar, is that you only debate private members' business 75 minutes a week. Is that correct?

1400

**Mr. Gregory Putz:** No. Do you want me to explain?

**Hon. Dan D'Autremont:** Go ahead.

**Mr. Gregory Putz:** We have set aside Thursday, where private members' business takes priority. We have one debate that's called the 75-minute debate, which is the principal feature of private members' day. It's a debate for 65 minutes and then a 10-minute period for ques-

tions and answers, where members who participated in the debate can respond to questions, and they're accountable for their comments. This happens every week, and the topic is rotated back and forth, from government to opposition, on a weekly basis. We excuse the rules of anticipation on that date so that members can raise things of topical interest. It's a very popular debate. Members really enjoy it, especially because of the question-and-answer period at the end of that.

That is followed by private members' motions, and again, the topic is alternated from one week to another, but that's more your traditional debate. The member will move a motion, and other members participate in those debates.

Basically our whole sitting day on Thursday is taken up with private members' business. We also have a process there where the caucuses can designate, from the items they put on the order paper for private members' day, the things that they want to set as priorities. So it doesn't matter where they might be on the order for private members' day—for instance, if the opposition had a bill and it was in the second reading category, once we got past the 75-minute debate, if it was their lead-off item, they could designate that debate. We also have a process involved where, if any item on private members' day is adjourned more than three times, then it has to come to a vote.

**Hon. Dan D'Autremont:** On the 75-minute debate, it alternates back and forth between government and opposition, depending on who initiated it. It's 15 minutes for the initial motion and 10 minutes for each speaker thereafter.

**Mr. Steve Clark:** And you also don't have any co-sponsored bills. Is that correct?

**Hon. Dan D'Autremont:** That's correct.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson.

**Mr. Gilles Bisson:** I love the idea of not having co-sponsored bills.

A quick question: In your calendar motion, is it intended that you only go through one stage of the reading? For example, if a new bill is introduced, you get second reading by the spring, or does it entail second reading, committee and third reading?

**Hon. Dan D'Autremont:** No. You have to have first reading in the fall, and then, providing it has a total of 20 hours on it—it could be second reading debate; it could be second reading and committee—the vote can be forced on the second-last day.

**Mr. Gilles Bisson:** So it's 20 hours total between committee, second and third.

**Mr. Gregory Putz:** Yes.

**Mr. Gilles Bisson:** And provided you get the 20 hours, then essentially you don't have to allocate extra time to continue the debate?

**Mr. Gregory Putz:** That's right. Generally, it's up to the opposition how they want—if they want to take something to the wall and do the 20 hours on it, they'll decide whether they want it all in second reading or all in the committee. We've seen—

**Mr. Gilles Bisson:** So that's my question. Let's say there's 20 hours at second reading. Does that mean to say there's no committee?

**Mr. Gregory Putz:** There is a committee, but it's only to vote on the clauses of the bill.

**Mr. Gilles Bisson:** So it's kind of a time-allocated clause-by-clause?

**Mr. Gregory Putz:** Right. So once the 20 hours happen—this assembly felt that, rather than deeming things passed once it met that threshold, there still should be a vote. The rules say that all the clauses will be combined into one vote, and then it still has to be reported. So we still have a number of votes where the opposition—

**Mr. Gilles Bisson:** So essentially you just deal with the votes; you don't debate the amendments. You deal with the votes at committee, and then you bring it back in the House for third reading.

**Mr. Gregory Putz:** Exactly.

**Mr. Gilles Bisson:** I had another question that came out of that, and I forgot what the hell it was.

**Hon. Dan D'Autremont:** I have a comment, if you'd like. Once a bill goes through second reading, goes through committee and comes back to the House, there is an opportunity there, providing it hasn't got the 20 hours yet, that it could be heard still in Committee of the Whole. An independent member who has not had the opportunity to ask questions or move an amendment in committee would then have that opportunity to have input into that piece of legislation. We have special rules on that: that Committee of the Whole is limited to two hours of questions by members. That time excludes the time that the government may respond, so a minister can't, to the first question, take up the entire two hours in providing a response.

**Mr. Gilles Bisson:** And one last question: Let's say an opposition party decides it wants to have more time on bill number 1, and let's say that works out to 40 hours or 50 hours or whatever. Does that mean to say, then, they have to concede somewhere else to give you that? How do you end up with more time past 20 hours?

**Hon. Dan D'Autremont:** Only by negotiating with the government that they would provide you with more time. They don't have to.

**Mr. Gilles Bisson:** Okay. Thanks.

**The Chair (Mr. Garfield Dunlop):** Thank you very much, gentlemen. We have to wrap it up now if we can. We really appreciate your time this afternoon. Sorry about the interruptions with the phone system there for a few minutes.

**Hon. Dan D'Autremont:** I think it must have been my phone.

**The Chair (Mr. Garfield Dunlop):** Thank you. That's good of you. Anyhow, to Dan and to Greg, thanks very much. I hope you enjoy the rest of the summer, and thank you for your time and helping us today make some decisions.

**Hon. Dan D'Autremont:** Thank you, and if you have any more questions, don't hesitate to contact us.

**Mr. Gregory Putz:** And good luck with your deliberations.

**The Chair (Mr. Garfield Dunlop):** Okay. Have a great day. Thank you very much.

Sorry, gentlemen. We got all that out of the way with the phone interruptions.

#### MR. SEAN CONWAY

**The Chair (Mr. Garfield Dunlop):** Now we've got our final deputation today. Mr. Sean Conway is here. We had a few phone interruptions with the last deputation, which was making it a little bit difficult at the beginning, but the last 45 minutes—so if you could take a seat here, Mr. Conway.

You know Mr. Leal, and Tracy MacCharles, Bas Balkissoon, Dipika Damerla, Garfield Dunlop, Lisa MacLeod, Steve Clark, Jonah and Gilles. We've got the task of looking at the standing orders and thought people like yourself, and Mr. Sterling this morning, would be great people to offer some assistance. We welcome you here and thank you for taking the time.

**Mr. Sean Conway:** I'm delighted to be here, Mr. Chair and colleagues.

*Interjection.*

**Mr. Sean Conway:** My only question is, what on earth are you doing meeting on the Fourth of July? In my day, this would be considered industry beyond the call.

**Mr. Gilles Bisson:** We're fiercely Canadian. That's why we're here on the Fourth of July.

**Mr. Sean Conway:** No, I didn't mean it that way. I just—

**The Chair (Mr. Garfield Dunlop):** We're probably going to ask you a lot of questions, if we can, for the next hour or so, if you don't mind.

**Mr. Sean Conway:** Please do, yes. Fire away.

**The Chair (Mr. Garfield Dunlop):** We also wanted to know if you have any opening remarks, to talk about the Legislative Assembly and changes you might automatically think would be something that we would consider.

**Mr. Sean Conway:** I appreciate the opportunity. I was called the other day by the very efficient clerks of this assembly and given a general idea of what you were looking at as a committee. It really made me think back to my days here, but particularly my days as government House leader, which had to be one of the most unhappy experiences in nearly 30 years. I don't know what possessed me to say yes that hot summer day in 1987.

Let me just make a couple of opening observations. The older I get—and I've been away from here now about nine years, so time and distance gives one a bit of a better perspective, I think—I'd say, not just in terms of standing order reform, but I often think about issues around electoral reform as well, because they sort of fall into the same category for me now.

I think too often we rush into these "How can we make it better?" enterprises with the idea that the fix is a kind of mechanical, technical fix. I don't think that is the

fix. In fact, I think young Jonathan said, "Think about things that worked and things that didn't work in your day." God, we went through quite a series and cycles of change. But in the end, it was mostly about attitude and culture when I got here in 1975.

It's interesting—someone was telling me that you're now a year into minority government. I came here in 1975—it's hard to believe; 37 years ago this summer—when we had our first minority government in anybody's memory. It was interesting watching the veterans then. There was quite a distinguished front bench on all sides and very competent people. They were learning to play the parliamentary game, if I can use that phrase, in a completely different context. The opposition, for example, had just become like Pavlov's dogs in writing motions they knew were going to fail before they put them down, because that's just simply—the politics of majority government were the politics, mostly, of the foregone conclusion. In a minority government, all of a sudden people had to think, "Well, now. Mr. Clark—I wonder what he's going to do with this. I think I know where the NDP might be or where the Liberals are."

**1410**

I was saying this to somebody the other day: I remember a day about 36 years ago when we misjudged Stephen Lewis. Lewis got up on one hot June day in 1976. We thought we'd put enough arsenic in the motion that he certainly wasn't going to touch it with a barge pole. He said something like, "Why do I think my Liberals friends don't really mean this? I think I'll support the motion." All of a sudden, we had to decide what we were going to do, and—

**Mr. Gilles Bisson:** He was clever.

**Mr. Sean Conway:** He was very effective, was Stephen Henry Lewis. All I remember is, we ended up, a few hours later, voting against our own want-of-confidence motion.

*Laughter.*

**Mr. Sean Conway:** The reaction to my left is as it should be. I thought, "It's one thing to be defeated; it's another thing to be run out of a place; but it's quite another matter to be humiliated out of a place."

What I learned shortly thereafter is that the public out there in the general world thought that there was some kind of a flap. They weren't exactly sure what it was all about.

A minority government does remind one that Parliament, in the conventional architecture, does have some rather important obligations and responsibilities. They tend to get obscured in long periods of majority government.

I guess the first point I really want to make has to do with culture. The one thing I learned is, you can write whatever rules you want. If members of Parliament or members of the assembly decide to move on to a different level of behaviour, then what you do really doesn't matter a hell of a lot.

In the early 1980s, the idea that you would ring the bells forever would have been, to people like Stanley

Knowles and Davie Fulton and Allan MacEachen, unthinkable, because in the 1940s, you just wouldn't have done that. That would have been thought to have been deeply offensive to a parliamentary court, almost. But times change.

That would be the one thing I would really stress: You can write whatever rules you want, but it really, at the end of the day, has to do with institutional culture. What is it that people are prepared to do and to accept? What is the standard of civility?

I'm actually reading a wonderful new book by a distinguished Canadian academic about R.B. Bennett, *In Search of R.B. Bennett*, a very good book that I'd highly recommend.

*Interjection.*

**Mr. Sean Conway:** Oh, absolutely. He and Mr. King didn't really get on very well, but I was struck by their behaviour, the things they just routinely did as Prime Minister and Leader of the Opposition, things that would have been, according to this account, unthinkable today. It would be tweeted to Canadian Press or you name it. There would be no sense that this was private conduct, not that it was always that way, I suppose. But it just is a reminder of how, in a relatively short period of time, the culture changed. It will continue to change; that's the nature of human development, I suppose.

The one opening comment I would make is, don't really fret too, too much around getting it precisely right, because something will happen in the future having to do with changed circumstances. But most of all, change the behaviour where the unthinkable becomes regular.

There's an obligation, first, on government, because the government is always seized with the active responsibility for making Parliament work. So if governments do things that are either a very major surprise or something especially controversial, then they can expect a pretty vigorous reaction. On the other side, oppositions always have to be sensitive to the idea that someday they too will be almost certainly given the seals of office, and they will have to run the railroad.

I thought I knew a lot, having been here in opposition for 10 years, until I became a minister one hot day in June 1985. Let me tell you, I certainly was regretting shortly thereafter some of my misconduct in the opposition. My friends in the then-opposition were very quick to point it all out.

Enough said. I'm starting to wander; let me take some questions.

**The Chair (Mr. Garfield Dunlop):** No, we really appreciate it.

We'll start with Mr. Leal. We'll work our way around here and get some questions from everyone.

**Mr. Jeff Leal:** Sean, if you see me stepping out a bit early, I have to get back to Peterborough. I have a young lady and her friends who are going to a Carly Rae Jepsen concert tonight in Peterborough, so I've got to make sure that—

**Ms. Lisa MacLeod:** Don't say that anywhere near my seven-year-old.

**Mr. Sean Conway:** I guess it would be bad of me to ask who this person is, but I'll—

**Mr. Jeff Leal:** I did that too—I did that too. But my 12-year-old filled me in pretty quickly.

Sean, I want to get to attitude and culture, because I think that has a lot to do with how Parliament proceeds, particularly in a minority position. You had experience on both sides, and you were government House leader.

One of the topics that we're looking at is replacing time allocation, perhaps, with a programming motion. In opposition, you always rail against time allocation for a whole variety of things, and I've read your comments in Hansard about time allocation and those of Mr. Bradley about time allocation. But it seems to me that, particularly in a minority Parliament, if we went to another mechanism that more clearly laid out the intent of the government in making sure that the opposition is intricately involved in that programming motion and laying out a number of items that the government would like to achieve over a period of time—in fact, we experimented with this a couple of weeks ago, in the last two weeks of the session that just adjourned a week or so ago.

**Mr. Sean Conway:** Well, again, I would say that governments have a right to get their business done. I mean, elections do matter; they do produce a government. One of the impressions I have—and it was really interesting, in that debate in 2007 around electoral reform. I was quite struck by some of the subtext to that debate, and it confirmed in me a feeling that I've had for some time that Canadians in general like to have governments that can make decisions. They like, in the main, executive government. The Americans—remember, it's a fundamentally different concept: Their concept is divided government.

We came out of the American War of Independence with very different concepts. The British system, which is the one we adopted, was the King and Parliament; they hinged the executive in Parliament. Canadians, by and large, even when you don't like the results, seem to be inclined to governments that can make decisions. The American reality is very different and seems to be reaching almost a tragic circumstance, where it's completely bogged down in inactivity or inaction.

I think governments have a right to get their agendas dealt with. Oppositions have a right to be heard, and beyond that, it's really agreement. You can use whatever mechanism you want; it's, "What are you going to agree to?" Again, when I was here, especially when I was government House leader, I was struck by how much—and those of you who have been whips or House leaders will, I think, find this. I used to sit there in government, particularly, thinking, "God, if more members actually knew the rules and knew what they could stop by just simply saying 'Nay,' this railroad would quickly grind to a stop." There are countervailing pressures that make you think twice about that. But I just think that there's simply got to be a level of trust between the main parties to agree on a timetable and get on with it.

Listen, I don't think you're anywhere where we were—we got so bad in the late 1980s, we were sitting here, like the worst of miscreant teenagers, saying, "Well, I can be more obdurate than you can. Let's sit right through Christmas." We got close to that a couple of times. It was just complete madness, and the world out there—and it's only gotten worse, by the way. The interesting thing about now being outside—and I do pay a bit of attention; it's just kind of, "What's going on in there again?"—my impression is that the tolerance for parliamentary gamesmanship is lower than it's ever been, because there are a lot of pressures in the world today, and I don't need to tell you that.

I would just simply come back to, you've got to make some kind of agreement about time. And you're absolutely right. I could bring in one of my students and say, "It won't be a big research paper because"—what is it that someone said of imperial Britain? She had no permanent enemies, no permanent friends, just permanent interests? Government, regardless of which party is in government, will have the interest of getting on with executive governance. I've seen it here over the course of my lifetime and, with some modest adjustment, the pattern is pretty well the same. So you don't, I think, as players inside the game, want to look ridiculous. Again, that's what the public often thinks: Spare me this lecture. Given the opportunity to change positions, I can almost predict, based on longer experience, what you're going to do.

1420

So, to get back to your question, Mr. Leal, you want to see if you can find ways of getting agreements, which is time allocation.

By the way, when I think back, he went to his grave not getting nearly the credit—the late Robert Stanley Kemp Welch, Bob Welch, from St. Catharines, was government House leader in that first minority, and he was masterful. Part of his mastery was, everybody liked and respected him. He was particularly close to Bob Nixon, who was the Liberal House leader. They had gone to Mac together, knew and liked one another, and Elie Martel, who was the—Ian Deans, I guess, for a while, and then Elie. But without that respect and goodwill among the House leaders, again, you're going to have all kinds of trouble. You really, really want to make sure that whips and House leaders—or you've got back channels. It's normally through those people that you've got to keep the communication not only active but honourable.

**Mr. Jeff Leal:** Just one more question, Sean. The other day we had one of the clerks talk to us in a teleconference from Great Britain. I know you've studied that inside out. Of course, in Great Britain, the question period is much different. The Prime Minister shows up once a week and the ministers show up on a rotational basis. Are there ways, from your perspective now, being away from it nine years, to improve the quality of question period? What could we do to look at that particular part of our parliamentary day?

**Mr. Sean Conway:** It's a very good question. By the way, have you ever had C.E.S. (Ned) Franks come and talk to you? Ned Franks is now a professor emeritus at Queen's University and wrote a wonderful book called *The Parliament of Canada*, published by the U of T Press, 1988. You should read that, actually. I think it's one of the best pieces I've ever read. I use it routinely when I teach. I'm sure that if you extended an invitation he'd be happy to come and talk to you, because he's an outstanding authority on this. One of the things he points out in that book is that the British environment is very different than the Canadian environment. Again, I don't want my friends in this or any other government to recoil when I point out that one of the things that Frank mentions is, the major difference is that—how many people of the current government bench are not of the ministry? Not very many. And I don't mean that as a criticism of the current government, because it has been true for decades here. That's not the case in Britain. The number of government members in Britain who are not of the ministry is large, so you begin with a very different mindset.

I remember going to Westminster 20 years ago. I was absolutely stunned, in the course of my visit. There, sitting two or three seats down from the very redoubtable Prime Minister, the Iron Lady, Mrs. Thatcher, was Ted Heath, and Heath was quite willing to get up and say rude things about the government and the Prime Minister of the party to which he belonged. You could walk a few feet down to the House of Lords, and there the Earl of Stockton, Harold Macmillan, was up making rather famous speeches about what, in his view, the doctrine of his party—that would be unthinkable in Canada. It just doesn't happen.

While the origins and the informing logic of our system are from Britain, the culture in Britain is rather different than it is here, and it starts with the number of people who just are not in the ministry, not connected in any way, shape or form. The government caucus in Britain is going to have something in the order of 275 to 325. There are at least 175 to 200 of that group that will not be in the government, and in that group you will have former ministers, former Prime Ministers, former party leaders. They don't need a lecture on the independence of Parliament and who's going to tell them how they behave or what they get to say.

As someone who supported television in this chamber—and I actively supported it, as did Mr. Bradley, I think with a little less enthusiasm than perhaps I did. There is no question that it has been a mixed benefit. Television is best when it's got conflict. If you're a TV producer and you're looking at Parliament—well, I know where I'd go for some conflict: You'd go to question period. I don't think there's any doubt that television has changed the nature of question period.

Having said that, I still think that in my day here, the best question ever offered in question period came from Floyd Laughren, a then NDP member, soon to be Minister of Finance. He asked the then Minister of Finance a

question that was just devastatingly effective. It was plain and unvarnished, and it might have had 22 words in it. I remember just sitting there thinking, "Hmm, why don't"—

**Mr. Gilles Bisson:** It was about what?

**Mr. Sean Conway:** It was a tax question, but it was just that he did it with such—so it was just a reminder, particularly to those of us given to too many histrionics for too flimsy a reason most of the time. I just thought, "Wow." If you're a minister—it's really interesting. Bill Davis was really good at this.

Remember, Parliament, according to convention, has four jobs to perform: (1) to make a government; (2) to make a government work, vote supply, make it work; (3) to make it behave, hence the opposition—a wonderful job: you get paid to basically go in and say how the other guys and gals are not doing a very good job; and (4) to make an alternate government. Those are the four functions of Parliament. I don't know whether anybody thinks about it very much, but I can tell you, when you've been in the opposition and you go to government, you're suddenly, "Oh, God, now I have to run this railroad." Now you understand things that perhaps the textbooks don't quite convey.

Question period is about making the government behave. You don't go into question period and ask, unless you're encouraged to do so—it's mostly about what has not gone as well as you might have liked. I don't know what to do, except I would just make the observation that as a minister, the really effective questions, the questions that made me feel very badly because they were so effective, were not the ones that were usually histrionic. The one I could always think is Laughren's question.

**Mr. Jonah Schein:** Do you remember the question?

**Mr. Sean Conway:** I'll tell you, it had to do with a budget. It was a—

**The Chair (Mr. Garfield Dunlop):** He wants to know what Floyd asked.

**Mr. Sean Conway:** Floyd, with a good researcher, had gone through and essentially—for all the rhetoric, it was our government, too: "The reality is, a person at this income level is no better off and might have been worse off." I just remember my friend Mr. Nixon sitting beside me saying, "Ouch." It was a question that might have been 20 seconds in the giving and very effective.

I don't know whether that helps to answer the question.

**The Chair (Mr. Garfield Dunlop):** Any other questions over here? Okay, we're going to go this way now. Lisa?

**Ms. Lisa MacLeod:** Thanks very much, Mr. Conway. You have, to date, been very fascinating. You can tell why you were elected for so long in eastern Ontario. I'm really enjoying this, particularly your stories—

**Mr. Sean Conway:** I got elected but cousin John gets acclaimed, so whatever I was doing was not nearly as effective.

**Ms. Lisa MacLeod:** The problem is, they want to send John here so he'll stay. No, no. John is my seatmate,

so his left ear and my right ear are both very hard of hearing now. We get in a lot of trouble together as well, your cousin and I.

This has been really fascinating, and I'm wondering if we could just take a step back to, I guess, the early 1980s and talk a little bit about—because what we're doing is studying the standing orders. It does touch on culture here. It also does touch on other workings around the assembly but particularly the standing orders. I'm wondering if you can talk to us a little bit about the process, if you can recall it at the time, of the Camp commission and the Morrow report and the figures that were there, how caucuses were given input into those proceedings, and how long they took.

We've touched on those briefly here, but it occurs to all of us around this table that this is the first minority Parliament in very many years here in Ontario, and we now are in that place that you folks found yourselves in back then. I'm just wondering how the process evolved. Was there public participation, or was it sort of inside baseball?

**Mr. Sean Conway:** The Camp commission was part of a big institutional reform in the late 1960s and early 1970s. I remember talking to Mr. Davis and—help me—his long-time executive—God, my brain.

1430

**Ms. Lisa MacLeod:** John Tory?

**Mr. Sean Conway:** No, no. Deb, are you here?

*Interjection.*

**Mr. Sean Conway:** No.

*Interjection:* Clare Westcott?

**Mr. Sean Conway:** Clare Westcott; thank you—Clare Westcott, who was with Mr. Davis, I think, for the whole ride. Clare was telling me one day what it was like being in government with no treasury board. It's unthinkable if you've been around in the last 25 or 30 years. There was no treasury board, so you'd simply go in and you'd have a spending proposal. As I remember, Clare said, "On more occasions than you might imagine, we came away with more, not less, money."

The government in the late 1960s was expanding rapidly. I was just struck in this book about Bennett: The spending of the government of Canada in 1930 was about \$300 million. You forget how small government was. The government of Ontario before the 1950s, before we got into health care—just go back and look at how limited the scope of government was. You could, as a minister, have a much greater understanding and control of what you did.

They established, in the Robarts era, something called the committee on government productivity, which essentially took a look at the executive arm of government and said, "We have to get a better coordinated effort; we've got to understand a lot of these issues that have got greater scientific and economic literacies than might have been imagined in an earlier day." That was done in the late 1960s.

Then the Camp commission is launched in 1972. Douglas Fisher, some of you will know—Ms. MacLeod,

you'll know; he was a constituent of yours for many years until his untimely death a year or so ago. Doug Fisher was the CCF member from Port Arthur. He defeated C.D. Howe in 1957, was eight years an MP and then, for decades afterwards, a columnist for the Telegram and the Toronto Sun. The third member—they were all people very closely associated with the political process. Dalton Camp, while he never held elected office, was national president of the Conservative Party, very close to a number of governments in the country and a very smart, creative guy; Fisher, an MP, a New Democrat; and then Farquhar Oliver, for 41 years the progressive UFO/Liberal member for South Grey. They produced a report, and then the Legislature—I think the reports were starting to arrive about the time I got elected. There was the select committee then struck by Mr. Davis to look at, "All right, what are we going to do with this?"

I guess the point I want to make is that you cannot imagine just what it was like back then. There's always this impression that it was a better time; it was a golden age. This is why I would recommend Ned Franks, because Franks does a wonderful job in that book, *The Parliament of Canada*, in just reminding us that the good old days were not always as good as we imagine.

We had what I could best describe as legislative somnolence. I don't mean this as a criticism. In fact, there's a wonderful story. In Canada, until recently, both at the national and much of the provincial level, the informing logic of the British parliamentary system of government did not work. We had long periods of one-party government. My Liberal friends might say, "It's fashionable. Let's beat up on the Conservatives, who ran the province from 1943 to 1985."

There's a great story I came upon one day. I was doing some research. You have no reason to know him, but Joseph Chamberlain was part of and destroyed the two great parties in Britain: first the Liberal Party and then the Conservative Party. Chamberlain was colonial secretary in 1902, and he met a delegation from the colonies, one of whom was a member from Ontario. All Chamberlain wanted to talk about was, "Is it possible that there's a place in the empire where there has been one-party government for 30 years?" And there was; it was Ontario. It was a Liberal government that had lasted for, apparently, ever. For people like Chamberlain, "How is that possible?", because the logic of the British system is that from time to time, a responsible group of "ins" will go out and a responsible group of "outs" goes in, both of whom are going to be refreshed by their new circumstances. In that dialectic, the public interest is going to be served.

Back to the question of 1975: We'd had the horse latitudes, which was—I didn't say it at the time, but it's true—a pretty prosperous period of Ontario's life. The politics of consensus was evident when I got here. Nobody could remember a change. Even the opposition went into most elections thinking—the question really was, who would come second? It was never a question

of, was there a change of government? So when you get that happening, you get other things. The academics have done this so I don't need to repeat it, but a lot of the institutional instruments just atrophy.

So Camp came along and there was public consultation. I think Camp had hearings of his own. They talked to a lot of people. Then there was a second phase where the select committee—I remember Mike Cassidy, Murray Gaunt and a number of people were members of that committee. They took testimony as well. They recommended everything from enhanced research for members to—I'd have to go back and look at it, but there was a lot of input at two levels. Again, I think those were three excellent commissioners, ably led by Dalton Camp. He understood the pressures of executive government, but he felt that the Legislature was getting itself into almost a position of irrelevance.

**Ms. Lisa MacLeod:** Mr. Conway, those were the big changes that we saw institutionally in Ontario. Over your period, both in opposition and in government—we know that when changes occur to standing orders, they sometimes have unintended consequences—do you recall any period of time where a rule change was made either to benefit the government or to move things along more efficiently, and it backfired and the assembly wished they hadn't gone that road?

**Mr. Sean Conway:** Oh, lots of backfiring, absolutely—unintended consequences everywhere. I can tell you, Ms. MacLeod, the best example I can think of was the one we talked about earlier: We have to have television in the chamber because we want to be “modern.” Don’t get me wrong, I’m not suggesting that it get withdrawn, although there have been days—

**Ms. Lisa MacLeod:** That would be the only time people would pay attention to Queen’s Park, if we made that decision, because they’re not watching us now.

**Mr. Gilles Bisson:** You’d be surprised how many people watch.

**Mr. Sean Conway:** That’s true.

I can tell you one very positive effect of television. I represented a big—well, you’d know where it is; it’s the upper Ottawa Valley. I can remember, when I first got here I had to worry about the Ottawa Journal and the Ottawa Citizen. Both had bureaus here, as did the Thomson newspaper chain—Don Ahern was here. If Ahern or Eric Dowd, who was then with the Journal, and Don Butler and Bert Hill at the Citizen—if they wrote something like, “Local boy is being bad,” they didn’t like that and I’d hear about it. I’ll tell you, I could be in the farthest corner of the Algonquin park bush, and somebody would come up to me and say, “I saw you the other night on television. Your behaviour was not very good.” You didn’t need too many of those before you thought, “Hmm.” So that was a very beneficial effect on some of us who were given to bad behaviour on more occasions than was permissible.

But let me use the other side of that: People stopped coming. Why would you need to go? And it wasn’t just here. You could read the late, great Daniel Patrick

Moynihan talking about what happened to one of the great deliberative bodies in the democratic world: the United States Senate. There again, they’ve had huge cultural changes. You’ve got technology, and people just don’t go anymore. One can hardly imagine Daniel Webster making the great speeches of the early 19th century to an empty chamber, but that’s in fact what happened. People—not just members, but members of the media—could actually get a lot done. So the member for Cochrane North was making a very good speech, but I could listen to him in my office and do other work. That was one I remember. We didn’t realize how quickly the chamber would be depopulated, because people didn’t need to be there anymore. Sometimes that was understandable, but there were many occasions when it hurt the process. You really want people there for a variety of reasons.

**Ms. Lisa MacLeod:** Just one final question. I know that time is elapsing here, and I know my colleagues would like to question you as well. I’ve asked a number of our presenters this question. One of the things that we’ve talked about, certainly with our own Clerk, is the extensive use of special or select committees previously in Ontario to study substantive issues on the economy or social policy. It has sort of gone by the wayside, as has, by the way, Committee of the Whole. It’s not really used here, ever.

1440

It appears to me that that might be a way to gain credibility with the public, if we did more of that type of work. I’m talking not about a “gotcha” type of select committee; I’m talking about the committee that we had, the select committee on mental health, where it brought a small group of individuals together from all three political parties who had to come to a consensus on how to move forward and hopefully shape the government agenda or even public perception of an issue. I’m wondering if you had any experience on that type of committee and how you viewed them during your time here at Queen’s Park.

**Mr. Sean Conway:** Let me say that that’s another very good question. I have very strong views. I don’t want to be too confessional here, but unlike many of you—I think of the chairman, who had a very successful career in the private sector before he got here; I think of the member from Brockville, who was, at a youthful age, a chief magistrate and then went on to other things—I got elected here right out of grad school. I literally didn’t work beyond the jobs in the lumberyard anywhere until I got elected. I had spent a lot of time, mostly as a student—I was always interested in things historical, and my area of interest was 19th-century Canadian history. I thought I knew a lot. I tell you: I knew nothing. I knew nothing when I became a minister, and I’m not trying to be facetious. I just remember thinking, how could I have been in the place for 10 years and know as little as I did?

I should have kept notes, because I became a minister under very odd circumstances, really unusual circumstances. We had the election in May. There was a discus-

sion around the accord. I was part of that discussion. About May 15, I think it was, in 1985, the leader of the party said, "I'd like you to be my designate for schools, blah, blah, blah." It was something called the separate school issue, which was a matter of urgent and pressing necessity. Very shortly after, and well before the government changed, I was going over and taking briefings from the department of education about the things I didn't know very much about. Of course, when the government does change, I'm then asked to become Minister of Education. Then I spent a year of my life, I think, in this room with my Bill 30 and my good friend Norm Sterling here to keep me on a very short leash.

To answer your question: There was no doubt that the best part of my life as a private member were the several select committees on which I served. I served on three having to do with energy. In 1975, there were early indications that we might be having problems with the operations of our very substantial and growing nuclear power system, of which I was a strong supporter. In 1977, we had a major collapse of the nickel industry in the Sudbury basin. I spent four or five months of my life on a select committee—an enormously valuable education about the nickel industry and resource extraction in northern Ontario and what it meant. I was thinking of this the other day. I mentioned earlier that day in 1976 when I and 35 of my colleagues, like a bunch of very overactive bunny rabbits, just hopped over a hedgerow voting against our own motion of confidence. That was in the spring of 1976. In the spring of 1978, we had an election, our second minority election. We had a budget that actually got in a little bit of trouble and got rewritten on the floor of the Legislature on or about May 15, 1978.

**Ms. Lisa MacLeod:** That almost happened here.

**Mr. Sean Conway:** I just read the press. Out of that, by the way, came a commitment to establish a Select Committee on Health Care, Financing and Costs, without a doubt the best public policy briefing I ever got in my life, which was enormously valuable. You never get it as a member, I can tell you, and I mean that as no criticism. In 1980 I was on a Select Committee on Constitutional Reform.

Energy and health care were really, really valuable, because you all rightly aspire to the day when you're going to be Her Majesty's ministers and you're going to have executive responsibility. At that point, your ability to actually do detailed policy review is going to be seriously constrained. I have said, for example, for the last 15 or 20 years, that I thought there should almost be a permanent select committee on energy, a small, small group of people, if for no other reason than to really understand what's possible and what's not possible.

**Ms. Lisa MacLeod:** When you did that—and I'm thinking now of the one that you did, the nickel resources—with your travels, of course, you brought people to Queen's Park, but given that the issue was effectively up north, did the select committee travel there, spend a little bit of time, actually get to understand that a lot more?

**Mr. Sean Conway:** We lived in Sudbury at the Sheraton Caswell Hotel for most of the winter of 1977. I'll never forget that Tony Clement's stepfather, John Clement, was committee counsel—marvellous, a former Attorney General here, an absolutely delightful, creatively helpful counsel. I'll always remember it because there was one occasion when we were trying to get out—there was an unbelievable blizzard and we weren't able to get out; well, I shouldn't say we weren't able. I remember John Clement, myself and somebody else getting loaded onto the back of a Sudbury regional fire truck. It was the only way we could get to the train, which was the only way out. When we got to Toronto the next day, I remember picking up the *Globe and Mail*, and there was the Ontario legislative select committee studying company law and insurance by poolside in Florida, and let me tell you, it was an article that put paid to select committee travel outside of the country forever and a day.

**Ms. Lisa MacLeod:** Yes, that's interesting. I know my colleagues have more questions. May I ask this last one? We are doing this, and every one of my colleagues is taking this very seriously, and I do have more questions for you. Would you be open to coming back to our committee at another time?

**Mr. Sean Conway:** If invited, absolutely.

**Ms. Lisa MacLeod:** Oh, we will invite you. I will assure that. Thank you.

**The Chair (Mr. Garfield Dunlop):** Steve?

**Mr. Steve Clark:** Thanks, Chair. I just want to add that Mr. Conway's suggestion about seeing Mr. Franks, I think, is a good one. I know that we'll have a discussion later about possibly having our Ottawa meetings around the AMO conference, so I think we should, if we decide that, ask Mr. Franks whether he can be part of those meetings, because I think that's an excellent suggestion.

**Mr. Sean Conway:** And honestly, the book—I don't want to sound like some old schoolmaster, but if you're interested in this subject, read that book, particularly the first four or five chapters. You'll find it very, very helpful.

**Mr. Steve Clark:** And I just want to thank you, as well, for some of your comments. I've had some great conversations with you over the years about politics, and I'm so pleased that you're here today.

You mentioned earlier Mr. Sterling, and he was our first presenter this morning. He made a comment about the way we do the estimates process, so I'd be interested to hear your feelings about going back to the system where each individual committee would deal with their estimates, as opposed to the way we do things today.

**Mr. Sean Conway:** Again, a good question, because when I got here—and it has to do with the size and scope of government. When I was here in 1975, there were people like the lovely Osie Villeneuve, who had been elected in 1948, a wonderful, good friend of mine, a Conservative member from Glengarry who had been here for almost 30 years, although he took five or six years out to be a federal member of Parliament. There were people like Don Morrow. Don was also elected in 1948. My

colleagues Harry Worton and John P. Spence were elected in the early 1950s. So you still had an institutional memory of people who remember coming to estimates.

The legislative session might be two and a half months long. The business of government was very lean. Think about it: no health care. The province was involved in public health and psychiatric facilities, but it was very, very limited. So the spending estimates were very manageable documents. You could be a very unschooled person and come in and understand it and ask questions.

I can remember being struck by how Mr. Bradley used to have a prominent constituent who would always warn the local politicians of not being “too parochial,” but you could be very “parochial” on these estimates, because the key word in Ontario provincial politics was “provincial”; there wasn’t very much that you needed a graduate degree to understand, and that brought people to the table. Again, the business was highway construction, it was agricultural supports, it was the development of northern Ontario, and it was really engaging watching people go through that.

**1450**

Then, of course, government exploded. I was going to say something about television, because what I found: Here, as everywhere else, people respond to incentives. You do work because you like the work, but you’d always like to do work for which you thought there would be maybe some reward or some incentive. After a while, why would you go and invest all of that work in something that nobody seemed to care about?

I don’t know when it started, but it probably started well back before most of you were here. My impression is that Parliament has essentially surrendered the idea of holding governments particularly accountable in ways that the old spending estimates imagined, both because the scale of it is just too big, and again, you need people to cover it. I don’t know what happens here today, but the committee that was the biggest committee when I got here was Thursday morning public accounts. But public accounts was a print story; it’s not a television story—with some exceptions.

The estimates: I remember going to the department of education, and I was horrified at the amount of time that the officials were spending to get ready for the estimates. I would say to them, “Listen, I would be one of the worst cases you would have to anticipate, in the old days, when I was an opposition member, and in my wildest dreams I wouldn’t expect you to do all this work.” I remember saying to the deputy, “Between the minister and the deputy, we should be able to answer 85% of the questions, and if young Mr. Clark asks a very good question about the public school in Mallorytown that we can’t answer, he’s a nice man, and if I say, ‘Sir, I will take that as notice and promise to get you a full answer within 24 or 48 hours,’ I’m sure that will be satisfactory.”

So the estimates process has gone from a period of time when most people, including front bench people—you weren’t just a committee. You’d come in; the esti-

mates of the department of lands and forests or agriculture were to be discussed. It was quite interesting how many people would show up. It wasn’t just the designated people from that committee. When I left here nine years ago, estimates seemed to be the grand national yawn, largely because there didn’t seem to be any incentive to doing all the work because there didn’t seem to be much credit.

I don’t want to sound too mercenary in the expectation or the assignment of credit, but it is hard to go and do a lot of work and your colleague is out in the hall putting on quite a show, and the R and T is full of that story and not the two weeks of hard work you’ve expended on the committee of X.

**Mr. Steve Clark:** Yes, exactly. The other thing that Norm brought up and we also asked former Speaker Milliken about is the Board of Internal Economy. We’ve had some discussions through our minority about changing the membership. Speaker Milliken spoke about their system where he was, in his capacity as Speaker, on that committee, and the fact that they dealt with it on a more consensus basis. I think he used the term that he maybe had to vote once in the entire time he was Speaker. Given your experience in the House leader position, what would you think would be a good system for the board?

**Mr. Sean Conway:** I don’t know what it is now, but I wouldn’t disagree at all with Mr. Milliken on that.

I would say to honourable members: When I think back to the old days, when there was considerable deference in the community, and, “That’s the business of Parliament and we don’t need to go there”—I found, towards the end of my 28 years, a keen interest among the good people of Tiny township and elsewhere as to how their monies were being spent. It was surprising sometimes how members—it was always a minority, but there was at least one in each caucus—had a kind of Marie Antoinette attitude to that and would get us all in trouble. So I think you do want to have as much consensus and as much transparency as you can have. It’s 2012; it’s not 1970 anymore.

My impression is, the public is not unreasonable. Where we get into trouble is just egregious misconduct, and I don’t mean that to sound like everybody is sinning all the time. In fact, my experience was that people were generally very good. I remember being furious with the Board of Internal Economy once—and I think one of the best things we do here, and I think they still do it, is publish the annual statement of members’ expenses. I would be so annoyed, because the press would be saying, “How come your long-distance phone calling is much higher than Mr. Bradley’s?” I’d say, “Because there are government tie lines into St. Catharines and none into rural Renfrew. That’s why. I’d like a big explanatory note. I want fair comparisons.”

I always felt that our northern members, and not just—I used to look at Noble Villeneuve. I thought, “How on earth does Noble cope with from Brockville to the Quebec border?” In some ways, that was worse than the northern ridings, because my friend from Cochrane

North—it has probably changed a bit, but a lot of those northern members were largely urban in the sense that Kap, Hearst, Cochrane and Smooth Rock Falls are probably 70% of the population of Cochrane district. There's a lot of territory up on the Hudson Bay shore. Getting there: I know only too well from talking to members over the decades here how time-consuming and expensive that can be.

I just always thought that you wanted out of the Board of Internal Economy as much fairness in reporting expenses, for example, as possible.

**Mr. Steve Clark:** I'll defer to Mr. Bisson, but I do agree with Ms. MacLeod that we should have Mr. Conway back.

**Ms. Lisa MacLeod:** If only to give us some background on this place.

**Mr. Steve Clark:** I love his history. It's great.

**Mr. Gilles Bisson:** Just a couple of quick comments and then I'm just going to get to some questions because we're out of time.

First of all, I agree with you. I wrote down in my book here, "Rule changes become necessary because of culture changes in the Legislature." I agree with you. We're trying to, by way of the rules, change the culture in this place. That's what's in my mind.

It's not just because we put television in the Legislature. It's not because of just any one thing. It's just that society has changed over the last—I've been here 22 years. I think back to 1990 and I look at politics today; it's a different kettle of fish because society has changed. The media is much different. They approach things in a much different way than they did back then. We now have social media where things are being tweeted and Facebookeed by the infinitum every second. This place has much changed because of forces outside of this Legislature as well.

The other thing I would say is that, when we talk about the good old days of the Legislature, dating back to the 1970s, those two minority Parliaments, which I think are fascinating—1975 and 1977—they weren't all that good, when you talk to the likes of Elie Martel and Bob Nixon and others you knew. Those were pretty tough sledding, trying to find their way about how you make a Parliament work once you've come out of a majority of some 30-plus years, everybody groping, trying to find their way of, "How do you make this darn thing work?" in that particular time. It was at a time when members had no support: no constituency offices, no members' staff, very little in the way of support from the Legislative Assembly and the library and others. Members were left on their own.

You're right, because back then, the culture was different because so was our society. The government budget when I got here was \$45 billion. It's now \$110 billion. When you got here, it was probably about \$8 billion—

**Mr. Sean Conway:** Twelve.

**Mr. Gilles Bisson:** Twelve. I wasn't too far off. So what we did as legislators was a lot different back then

because of the sheer complexity of government over the years.

I look at, as I've been approaching this whole thing: How are you able to change the culture within this place by way of the rules? People may not agree with me, but that's the way I'm seeing it. I think one of the big things, and you've touched on it, is that we really need to figure out a way to do more things in committee and less things in the House. Committees, I think, are really where you can do the good work that has to be done.

I want your comments on a few things. One of the things that we've done over the years is that we've—never mind what we've done over the years. You made the comment that back in 1948 and through the 1960s, a person could go to committee and fly by the seat of their pants. Why? Because understanding the ministry of lands and resources at the time wasn't all that complicated. If you go in now as the critic and you're trying to understand MNR, it's a much different kettle of fish—pardon the pun—because their mandate is much expanded: the aggregate act, the Public Lands Act, the sheer volume of the ministry.

My point is this: One of the things that I'm thinking we need to do is that we need to have committees have specialties. The government should not be able to order bills to any committee that it chooses but rather should be able to order bills to specific committees so that you actually can build up some expertise on your committees and the committee members can become more knowledgeable about their critic portfolios. So let's say you're the critic for transportation or the parliamentary assistant to transportation. You're assigned to a committee that deals with your ministry and you do the estimates, so that you actually do build a bit of an expertise amongst members about what happens in those committees and how those ministries operate. I'd just like to get your views because you've lived in both.

1500

**Mr. Sean Conway:** Just two or three very quick observations. I should have said it earlier, and I'm going to sound a little hectoring when I say this, but I always like to remind members that you're called honourable members for a reason. Just remember that. It's amazing how many people forget that, and I did on occasion, maybe. The public actually expects it. They don't expect a saintly parade, but—and then secondly, I'm going to disagree with you a bit. I can tell you, you'll have the best intentions about specializing, and then something will happen—

**Mr. Gilles Bisson:** Yes, there are always exceptions.

**Mr. Sean Conway:** One of the things about the British parliamentary system that I think is the great appeal of it is that it is flexible, it is adaptable.

Having said that, there's absolutely no excuse—and this is where I lose all patience with some of my academic friends who come up with all these schemes to invest members of Parliament with more powers and more resources.

Let me just say this: It's a great job. What I want to know—and I'm not talking about, let's take this to the Dominion Parliament. I said to somebody not too long ago, what I'm interested in is, why do people not want to do the job? I think I know part of the answer: "If you're not a minister, you're dead; you're not alive." Well, I'm sorry. That's not the way the system operates. I was both a minister and a member of the Legislature. I have to tell you, having been out of it now for nine years and having been here for a long time, God, what a good job it was—maybe because I came from grad school. It was like a continuation of grad school, except the pay was better and the working conditions were vastly better, because you'd have smart people like Deborah Deller and others who do all the work, and you could come in and appear as kind of a down-country version of Perry Mason and appear to know what you were talking about.

So the point about now and over the last 20 or 25 years: Given the resources that flowed forth from the Camp commission, there is absolutely no reason in the world why a member who cares to do so cannot develop a good level of expertise about whatever subject they're interested in—understanding that in an assembly of 107 members, there are probably going to be at least 25% who would, like in the words of Bradley's former friend, want to be "parochial." They just want to do the riding stuff, and there's nothing wrong with that.

I just keep looking at Parliament and Legislatures and say, I don't accept the argument that there is not the capacity to develop real expertise.

**Mr. Gilles Bisson:** Sean, I hear you. A lot of the members in this Legislature, as you well know, take interest in certain issues and they become experts on it. I think of Marilyn Churley with drinking water, Mr. Phillips in regard to what happened at Ipperwash etc. But my point is, is there a value, in your mind, that you build an expertise on committees so that in fact you can do the kind of work that needs to be done to scrutinize government and to do the things that need to be done better?

**Mr. Sean Conway:** If there is a value, it's secondary. The primary value will rest with members who just seize the opportunity and apply their general and specific expertise and energy.

**Mr. Gilles Bisson:** Okay. You've answered the question.

The second thing is, one of the things that's happened here over the years—and it's not just here in Ontario, but it has happened overall—because government has gotten more complex over the years, we've started to delegate away the authority of the Legislature to regulation. I just want to get your thoughts on that. Is that, in your view, a slippery slope or is that just naturally what has to happen in a complex society?

**Mr. Sean Conway:** I think members of Parliament, members of any Legislature in the British tradition, are right to be worried about a very steady, consistent erosion of parliamentary oversight and, conversely, the growth of executive power. To be perfectly frank, if the Premier's office or PMO people were here, they'd say,

"Well, have you had to cope with the 24-hour news cycle?" That's a legitimate issue, and I think we've all seen it. But I think there's a serious problem with the structure of traditional the-King-and-Parliament government. I don't know what the solution to it is, but I can see why people start talking about some kind of congressional-style counterweight to the endless accretion of executive power.

**Mr. Gilles Bisson:** It's an interesting study in history because it's almost as if we're running back to the past in a funny kind of way with the—

**Mr. Sean Conway:** Again, the past is not what you think it was.

**Mr. Gilles Bisson:** No, I hear you. I understand what you're saying.

Time allocation: You were here at a time where there was a less robust use of time allocation, to where it became, through certain Parliaments, without pointing fingers at any particular party, a use of time allocation on every bill. Your thoughts?

**Mr. Sean Conway:** Listen, when I got here, it was rare. But then, when I got here, we didn't do anything for the first two months of the fall session or the spring session, and we sat all night for 10 days. Literally, we would go all night. It was the craziest, zaniest behaviour imaginable. You look incredulous, sir, and you should. It was just worse than the worst cramming session you ever knew in university.

I remember—how shall I say this politely? It wasn't always clear liquids that were being consumed late into the evening. I was always amazed that more accidents didn't happen on the way to the forum.

I think that time allocation—

*Interjection.*

**Mr. Sean Conway:** Well, it is, and I think—

**Mr. Gilles Bisson:** It's very true.

**Mr. Sean Conway:** I can remember sitting here thinking, "I hope somebody knows what's going on here," because at the end—and I think we were very well served then, as you have been since, by very able clerks at the table, because somebody, hopefully, was paying attention to what was going on at 4 o'clock in the morning; there were two or three card games going on and about three people really paying attention.

So I think time allocation—listen, I was guilty. You're going to have to work out—you can't go back to the 1950s, and you've just simply got to find ways. In most cases, in my experience, both sides kind of agreed what was an appropriate amount of time. There was always somebody—"Conway's got yet another speech he wants to give." "Well, he's had three hours. Tell him to go and take the noon balloon to Rangoon." In most cases, there was an understanding of what was sort of reasonable.

You've just got to find ways to get at that, and every so often you're going to have an eruption that's going to make some people angry. Hopefully, you'll recover and move on.

**Mr. Gilles Bisson:** So it's pretty hard to put the genie back in the bottle, as we all know.

**Mr. Sean Conway:** Yes.

**Mr. Gilles Bisson:** One of the things that you said, I wrote down. It's essentially that you need agreement on time needed to pass a bill rather than time allocation, but the government must get its agenda through. I agree with you. In the parliamentary system, the executive must, at the end of the day, be able to govern, but the opposition needs to be able to question.

That being the case, is a programming-motion style of approach, in your view, helpful towards not having to do time allocation? In other words, an agreement between the House leaders is sought in order to say, okay, in the fall session, the government's got six bills that it absolutely wants to pass, X amount of bills that it wants to have in committee and X amount of bills that it needs second reading on; therefore, let's agree on some sort of mechanism that will allow us to get to where we want so that the opposition gets to do that scrutiny but at the end of the day, the government gets its way.

**Mr. Sean Conway:** It sounds to me like programming motions have become fashionable in the last 10 months. Would I be right in saying that?

**Mr. Gilles Bisson:** No, it's the first one we did. We just negotiated it this spring.

**Mr. Sean Conway:** That's my point, that they've become—

**Mr. Gilles Bisson:** Oh, I thought you meant we'd done it for 10 months.

**Mr. Sean Conway:** My experience is that minority environments make everyone a little more elastic about their tolerance—and whatever works. I mean, you've got to—

**Mr. Gilles Bisson:** You've lived through those two pretty momentous minority Parliaments—the accord is a different kettle of fish, but the 1975 and the 1977 minorities, and seen what's going on now and the change of culture, la-di-da-di-da. Even if there was a majority, at the end of the day, the opposition still has—and even if I'm the government—the ability to hold you to task on what you're doing. That's the parliamentary system. So the problem now is that essentially every minority Parliament, since time allocation has been put in place, has passed all of their agenda by way of time allocation.

1510

**Mr. Sean Conway:** Yes.

**Mr. Gilles Bisson:** And I don't think that's healthy. My question to you is, if you can't put the genie back in the bottle, in your experience, is programming a way of moving forward or is there something more clever you've thought of?

**Mr. Sean Conway:** I'm not sure I understand what the programming motion is. In my head, it's just simply, "Listen, we've got to get this much work done and we've got to figure out how we do that." It sounds to me like a programming motion is one where you've got a fair degree of—

*Interjections.*

**Mr. Sean Conway:** Yes. That's what I would expect it to be, in which—

**Mr. Gilles Bisson:** But the difference is, it's one agreed to by the parties. There's a difference between time allocation and programming, in my view, because there has to be give and take. The government says, "I want Bill 5 and I want it done by December whatever," and the opposition says, "Okay, we'll give you that, but in exchange we want more committee on Bill 6." So there's an agreement about where you're going to spend your time.

**Mr. Sean Conway:** But in my day, you only got to a time allocation after you had this kind of a conversation and there were a variety of unspoken quid pro quos, as we'd say in Shady Nook.

**Mr. Gilles Bisson:** I see the Clerk jumping up and down.

**The Clerk of the Assembly (Ms. Deborah Deller):** I don't know whether I'm going to help or hinder here, but I think where the difference lies is that currently, under our rules, a time allocation motion can be introduced by the government after there have been six hours of debate at second reading and then the debate on that motion is limited to two hours, so the government can do it unilaterally. Whereas with respect to the programming motion that Mr. Bisson is talking about, it really does require some buy-in from the other parties before it's possible. Otherwise, it can be debated ad nauseam.

**Mr. Sean Conway:** That's a very helpful clarification, and I would always say to members that you want to debate a substantive issue at debate rather than something else. That would be my preference. Usually the Chair is pretty tolerant. If you were sitting in the gallery you'd think the debate on the technical matter is in fact the debate on the substantive matter. Again, I just defer to your good judgment and your current experiential environment, because I know how this is going to get resolved: You're going to have to get to a table and you're going to have to figure out a way to do the business.

**Mr. Gilles Bisson:** Another question in regard to Bob Welch, Elie Martel and Bob Nixon, all of whom we knew: Is it right to say that Davis, as the executive, allowed the House leader to figure out how that stuff was going to work its way through the House rather than the executive trying to tell the House leader what to do?

**Mr. Sean Conway:** You'd certainly have to go to Brampton and ask Mr. Davis for the answer to that. But my impression was that Mr. Davis had a high degree of confidence in Mr. Welch, and Mr. Welch had an enormously good reputation with the people that mattered most. Mr. Nixon and Mr. Davis, in 1975, did not have a good relationship. Mr. Welch and Mr. Nixon had a very good relationship, and that really mattered.

**Mr. Gilles Bisson:** But would it be fair to say that the Premier would say, "Here's the stuff that I'd like to get," and the House leader for the government would work it out with the opposition House leaders and it was left to them to figure out how to make it work out?

**Mr. Sean Conway:** You probably haven't had this experience, but let me just make this observation. Executive government that is accustomed to majority

government needs a very thorough, regular education of parliamentary government once a minority environment obtains. It is amazing how many people—"What? No, no. It's not like it was before the election." Actually, it's a new reality. You think this would sink in with people. It has been my experience with all parties. I can understand why. Think about 1975. The political environment also matters. In 1975, going into that election, it does produce the first minority in memory. But it was a very unusual minority in that, first of all, Mr. Davis survived. The expectation was, he wasn't going to survive. So he's still in government in a way that Frank Miller could only have hoped for 10 years later, when Mr. Miller had more seats and more votes, as I recall, and Stephen Lewis and the NDP are in second place. The Liberals, who are thought to likely win the election, were in third place. So you've got a very, very unexpected result all around. Quite frankly, I think I can say this: At the zenith of his political success, Stephen Lewis wants out. That 1975-77 situation was very unusual. But I do know from friends of mine who were involved with the government, and you should maybe get Steve Pengelly to come up here because Steve worked as Mr. Davis's legislative—but I've heard enough, and I can believe it, because I can remember what it was like, even with the accord, trying to explain to people that minority government is different than majority government, especially for people who were seized of executive functions. That's going to happen regardless of who's in government. If you've gone from majority to minority, there's a real potential for accidents, because the reality doesn't always sink in to people who are advising government.

**The Chair (Mr. Garfield Dunlop):** Okay, Gilles, can we get a couple more questions in from the—we've got a couple of quick questions here from the government members' side. We apologize for running overtime here, but these are very interesting points. Tracy?

**Ms. Tracy MacCharles:** Thank you. It's wonderful to see you again. Probably when you come back, if you come back, which I'm sensing a lot of support for, I'd love to chat more about the transparency of the assembly and its business, the education process from the outside in and how, in your view, we can enhance participation in the daily business of government, whether it's people making deputations at committees or, even better yet, getting people more excited about being a member of Parliament and hopefully getting our assembly to be more reflective of the demographics we serve. I think there are a lot of questions around there, and around youth.

I continue to be shocked by some learned friends of mine, since I was elected, who say, "How come there's nobody in the House when you are debating something very, very important?" They translate that to disrespect, somehow, that people have chosen not to participate in meaningful debate, when in fact they are on important committee work or what have you, or they don't know quorum rules.

Some of it goes to the education thing, the pros and cons of TV, the transparency issues, continuing to build what we do in our province around engaging youth in civics and education and those kinds of things. I'm not actually expecting you to comment on all of that.

**Mr. Sean Conway:** Don't despair, because it has always been like that. Your job is a lot tougher today than it was when I came here 37 years ago.

I will just make this observation: I remember on more than one occasion going home on a Friday and meeting somebody that I knew—in one case, a particularly prominent member of the educational community. I met him on the main street of town X, and he said, "God, I hope you gave that Mulroney a piece of your mind this week." I smiled and said, "Well, it has been an interesting week." I thought, "This school principal got part of it right." He knew that I was in politics. That he didn't quite distinguish between Ottawa and Toronto—you know, he's busy. I didn't dwell on it too much.

**Ms. Tracy MacCharles:** Just lastly, I just want to say thank you so much for participating. I think we could all listen to you for the rest of the day, if time permitted. It's really insightful to look back. I think there are many lessons we learned from that, and I think you're helping us look forward at the same time. I just want to say thank you for that.

**The Chair (Mr. Garfield Dunlop):** Thank you, Tracy. Bas, you have a question too?

**Mr. Bas Balkissoon:** Yes, I just want to have one question. Thank you for being here. It's good to see you again.

As you were chatting with us, I'm sitting here thinking that I kind of agree with you that every member who's here in the elected Parliament, if they have an interest to actually learn about the ministries and the inner workings and the estimates and everything else—yes, you could do it. The problem I find, though, and I just want your comment, is when I look at the House schedule we have for the amount of days we actually sit, and in a minority situation we end up just warming that seat in there more often than not; the structure of our committees; then my colleagues on the other side asking a lot of questions about more select committees or more special policy committees; and then the fact of the number of question periods we all must be present at, because it's a rah-rah cheering session. When I really look at it, for those of us who are elected on the government side, the only opportunity we have to learn about a particular ministry we may be involved in, or other ministries, is the summer recess. To me, the learning process is not one that you could compact into a month or two. When the issues are happening in a particular ministry is the best time to go there and have a briefing with someone or a walkabout or whatever, and I'm finding it difficult that it doesn't exist here, I think strictly because we're playing to the media, we're putting ourselves in front of the media too often, and we just don't have the time to do the real work that the public expects us to do and to gain knowledge of.

1520

When you came here in 1975, what was your assessment of your time in actually getting involved in the individual departments?

**Mr. Sean Conway:** To govern is to choose, and that's just not a matter for the executive; I think we all do that personally. You can't be all things to all people. When I got here I was interested in energy issues, partly because I had big hydro dams and a nuclear power station, a research station. My experience was that most members would gravitate to two or three areas of interest. That would be my advice: Pick things you're interested in, maybe some where you have not as much understanding and you just want to learn, because it's a great learning—there's a didactic function. Parliament, in the 19th century in Britain, was a great continuing education. It was the way in which people got to learn things about public issues. We sometimes forget about that. I think it has become a little too much a school of theology and maybe not as much a school of antiseptic learning, I might say. So you've got to pick areas that you're interested in and that might be available to you. If you're from Scarborough, you might be interested in—well, I don't know what you're interested in. But you'll have your interests and you should try to pursue those.

I can remember, for example, there was a famous committee looking at the McMichael gallery. I wanted no part of it, and I was just told I was going to be on the committee. I went, and 30 years later, to this day, I cherish that three-month experience because I met arguably the greatest lawyer in Canada at that time, J.J. Robinette, who was acting for the McMichaels. Mr. Robinette came to me one day, in this room, and said to me, "My client has a friend who'd like to talk to somebody on this committee, and I thought you might be the person to go and see this person." I was, of course, very flattered. I was just there to behave myself; what I knew about Canadian art you could put on the back of this cellphone. I had this idea that the person involved was some place north of Sudbury or whatever, and I said, "Well, how far away is this person?" He said, "The person actually lives in north Toronto. You might know this person. His name is A.J. Casson." So two rainy afternoons in, I think, November of that year, I spent with the last living member of the—just an absolute delight. I didn't want to be on that committee. I got to know J.J. Robinette, and I got to meet A.J. Casson. Well, talk about a lottery win. So you just don't know.

You do have to make some choices. There is very good research capacity here now, better than it ever was when I got here in 1975. I would strongly encourage members, particularly members who are members of the Legislature not directly involved with the ministries, to get up there and avail themselves of those resources.

Back to Ms. MacLeod's question: One of the things that I think has produced unintended consequences—in some ways, we've almost over-resourced members. It got to the point 15 or 20 years ago of, "Well, I would never write a speech. I'm here to deliver text that somebody has

prepared for me." That is the absolute contradiction of what the parliamentary function is, in my view. There used to be a rule—Deb can help me; it's probably gone now from the standing orders: "Thou shalt not read a speech," with the possible exception of the Chancellor of the Exchequer, who every spring will deliver the budget speech.

My experience was, if you wanted to do the work, if you wanted to get your hands into something, generally speaking, there was no great constraint.

Remember, I spent my first 10 years in the opposition. There's no question; I suspect an enthusiastic member of the government backbench who wants to do that is probably going to meet somebody from the minister's office who is going to wonder about their enthusiasm and how it might be more appropriately channelled and controlled.

**The Chair (Mr. Garfield Dunlop):** Anything else, folks?

**Mr. Bas Balkissoon:** No, that's it. Thanks very much, Sean.

**The Chair (Mr. Garfield Dunlop):** Sean, thank you so much for taking the time today. It has been very interesting and very enlightening for us all. I think we'll have to discuss whether, if you would find the time to come back—we just nicely got into everything with you. But with that, thank you very much. We'll carry on with our deliberations and our attempt to look at the standing orders.

**Mr. Sean Conway:** Can I make one last comment? I should have made it earlier, and I'll be very quick. One of the other things someone had said about what it was like in 1975, the one thing that I remember I didn't like when it first started to happen—because you can imagine, I was not exactly a shrinking violet back then. I remember those front bench—and I think particularly of the NDP front bench. There were two people who became very important in a very positive way in my life: Jim Renwick and Don MacDonald, two very distinguished members who, I found out later, really had a bit of a tense relationship, one with the other. But they were very, very distinguished members. I always remember being bad or yappy and Renwick just turning around and giving me "the look." There was no standing order, there was no anything that a House leader could have given me, other than the look from those front bench people. If you were here about two days, you figured, "Those are the good people."

It was kind of like your dear Aunt Maud. You didn't want her looking back at you like some truant schoolboy. Maybe that's gone for good, but I tell you: Mentors, when I look back 30 years—Jim Auld from Brockville was just a marvellous guy with whom I was very bad one day. One of the great regrets of my life was misbehaving with Jim. But those people were really important in terms of creating a culture of, "Smarten up," and, "You've got a good role to play here. Learn to do it and do it well." Thank you.

**The Chair (Mr. Garfield Dunlop):** Thank you.

Folks, we're back here on the 24th and 25th of July. We'll call together a subcommittee meeting to lay out the plans for it.

**Mr. Gilles Bisson:** Just so we understand the process, we're coming back here at the end of August—

**The Chair (Mr. Garfield Dunlop):** In July.

**Mr. Gilles Bisson:** July, I should say; excuse me. One of the things that I was going to do is go away and put some thought to, what can we start thinking about as far as recommendations? I would hope other caucuses would do the same. We don't have to come up with a definitive in those two days, but I think we should at least start the discussion.

As far as other people to be heard, are there other deputants, Clerk?

**The Clerk of the Committee (Mr. Trevor Day):** From the original list, who we didn't get to or weren't able to get yet would be Australia, Scotland and Mr. Kormos.

**Mr. Gilles Bisson:** Kormos will probably not do it if he has not gotten back to you now. You may want to talk to Elie Martel, because he served in that minority Parliament as House leader.

**The Chair (Mr. Garfield Dunlop):** We were talking earlier today about this, Gilles, and about getting an executive summary of what we've done up to this point, coming from the clerk.

**Mr. Gilles Bisson:** I'm not sure—

**Mr. Bas Balkissoon:** We should have both. An executive summary will give us some thoughts.

**The Chair (Mr. Garfield Dunlop):** We just thought there was some time to—

**Mr. Bas Balkissoon:** I have a lot of notes, but I'm sure the executive summary will probably capture everything so we make sure we don't miss it.

**Mr. Peter Sibenik:** Are you wanting a summary of the presentations? Is that—

**Mr. Gilles Bisson:** I personally don't need that. I don't know about the rest of you.

**Mr. Bas Balkissoon:** I would say, if it's just circulated to us.

**Mr. Gilles Bisson:** No, but do members want it? Because it's a fair amount of work. Do members want that?

**Mr. Bas Balkissoon:** I do.

**Mr. Gilles Bisson:** Okay. Well, then, it's going to happen. One member wants it; that's all that matters here.

**The Chair (Mr. Garfield Dunlop):** I would like it too. I'd like to analyze everything—

**Mr. Gilles Bisson:** Yes, that's fine. That's okay. Everybody has their own way of working.

What I just want to be clear with committee members and especially our subcommittee members is that we'll have time to do hearings—there was a good suggestion about doing some of that in Ottawa. When we travel to Ottawa during the AMO conference, we can meet up with Mr. Franks and others whom we may want to talk to at the time, but I would like to start a conversation next time we meet about where we have agreement, where there is possible agreement, etc.

**The Chair (Mr. Garfield Dunlop):** All right; I think that's it. We'll plan that through the agenda of the next two days in late July.

Okay, folks. Thank you very much. The meeting is adjourned.

*The committee adjourned at 1530.*





## **CONTENTS**

**Wednesday 4 July 2012**

Standing orders review .....	M-223
Mr. Norman W. Sterling .....	M-223
Hon. Peter Milliken.....	M-232
Hon. Dan D'Autremont; Mr. Gregory Putz .....	M-242
Mr. Sean Conway.....	M-252

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#### **Clerk / Greffier**

Mr. Trevor Day

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Mr. Peter Sibenik, procedural clerk,  
Journals and Procedural Research Branch



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## Legislative Assembly of Ontario

First Session, 40<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Tuesday 24 July 2012

Standing Committee on  
the Legislative Assembly

Standing orders review

## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature



# Journal des débats (Hansard)

Mardi 24 juillet 2012

Comité permanent de  
l'Assemblée législative

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Tuesday 24 July 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mardi 24 juillet 2012

*The committee met at 0925 in room 228.*

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it's my duty to call upon you to elect an Acting Chair. Any nominations? Mr. Bisson.

**Mr. Gilles Bisson:** Jonah Schein.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Schein, do you accept the nomination?

**Mr. Jonah Schein:** I do, thank you.

**The Clerk of the Committee (Mr. Trevor Day):** Any further nominations? Seeing no further nominations, I declare nominations closed and Mr. Schein elected Acting Chair of the committee.

*Interjections.*

**Interjection:** Say something.

**The Acting Chair (Mr. Jonah Schein):** Good morning. Welcome.

**Mr. Gilles Bisson:** Hold it, hold it, hold it: You have to say, "I really appreciate having been in this position."

**The Chair (Mr. Garfield Dunlop):** I apologize, everyone. I'm so sorry. I had no idea that it was—I thought it was at 9:30. My apologies.

## STANDING ORDERS REVIEW

MR. PAUL GRICE  
MR. KEN HUGHES

**The Chair (Mr. Garfield Dunlop):** Okay, thank you very much, everyone. On the phone we have Paul Grice, the Clerk and Chief Executive—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** He will be on very shortly—the Clerk and Chief Executive of the Scottish Parliament, along with Ken Hughes, head of the committee clerks of the Scottish Parliament. I'd ask anybody who's asking any questions if they could identify who they are when they're talking to Mr. Grice and Mr. Hughes.

Good morning, sir.

**Mr. Paul Grice:** Good morning. This is Paul Grice from the Scottish Parliament.

**The Chair (Mr. Garfield Dunlop):** My name is Garfield Dunlop. I'm Chair of the Standing Committee on the Legislative Assembly of Ontario. I understand you're joined by Mr. Hughes as well.

**Mr. Paul Grice:** Yes. I have Mr. Hughes as the Assistant Clerk/Chief Executive of the Parliament. We're

pleased to talk to you and very happy to give you whatever assistance we can.

**The Chair (Mr. Garfield Dunlop):** Mr. Grice and Mr. Hughes, we're joined here this morning by members of all three political parties in the provincial Legislature. We're actually reviewing our standing orders and we're looking for input, suggestions etc. We were told that the Scottish Parliament would be a great example of some positive suggestions. I'm just wondering, would you have any kind of an opening statement that you could sort of lead into this with? Or would you like us to just start asking questions?

0930

**Mr. Paul Grice:** No, I'd rather, I think, answer the questions. All I would say, very briefly, is that as a relatively young Parliament, we've always tried our best to focus very much on enabling the Parliament and its members to engage successfully with the citizens of Scotland. Everything we've done, we've tried to balance the needs of the Parliament or the Legislature with a desire to engage.

That's our standpoint, but I think we'd rather seek to answer your questions as best we can.

**The Chair (Mr. Garfield Dunlop):** In that case, we will start out, Mr. Grice, with Gilles Bisson from the NDP. He has an opening comment and questions.

**Mr. Gilles Bisson:** First of all, welcome to Ontario, via satellite or land lines or whatever brought you here. I'm with the New Democratic Party, more like your Labour Party in Scotland/Britain.

I'd like to just get into the committee structure itself. I've got a couple of questions in regard to how your committee structure works, and I'm just going to do them in succession, and then you can respond.

**Mr. Paul Grice:** Yes, of course.

*Interjection.*

**Mr. Gilles Bisson:** I'm being told to stay away from the microphone here. There we go. I was trying to read my notes. I'm sorry.

I take it you have standing committees, and the first question I would want you to get into is, how do you constitute a meeting of the committee? Can the committee meet at the call of the Chair? Or does it take an order of the House in order for it to meet during the intersession?

The second thing is, to what degree do members and/or parties have an ability to be able to bring an item before committee for discussion and possible hearings?

**Mr. Paul Grice:** Okay. I'll start on that, then I'll ask—it's actually Mr. Hughes's area of expertise. Committees can be called by—it doesn't require an order of the whole House, the whole Parliament, for a committee to meet any time. It can determine its own. Within our standing orders, the only requirement is that committees cannot meet in the Scottish Parliament at the same time as we meet in plenary sessions. That's the only restriction on them. But beyond that, I'll ask Mr. Hughes just to give you a bit more detail on the committees.

**Mr. Ken Hughes:** Hello. Yes, all members can bring agenda items to a committee, but how our committees work is through holding six-monthly business planning meetings. For example, we're currently in summer recess, but at the end of this summer recess, all or most committees will meet before the next term begins again to have planning meetings where they will discuss what items they might want to bring forward as committee business for the next six months. That is the opportunity for any member of whatever party to suggest—throw into the pot—and discuss inquiries the committee may undertake. That is basically the loose structure under which we conduct and set all our business.

After that, it's up to the committee Chair to formulate agendas and to circulate that amongst members. That is, therefore, the mechanism in which the committee Chair will then call a meeting. That's how it all works, in summary.

**Mr. Gilles Bisson:** Just a follow-up question on the planning meetings—two questions: You said six planning meetings. I don't quite follow that. Six per year? Six per month? I wasn't too sure what you were getting at. Number 2, the planning committee itself: Is that the general committee or is that a subcommittee?

**Mr. Ken Hughes:** No, sorry. The committees will meet once every six months, so it's probably two a year that committees will meet to undertake planning meetings. It's basically a question of the committee coming along with—it's informal meetings. It's not part of proceedings, those planning meetings, and they can invite, for example, researchers of the Parliament to come to talk to them. Some committees even invite external experts and external guests to come in just to discuss matters, essentially, that the Scottish public would be interested in the Parliament investigating. That's how it works.

**Mr. Gilles Bisson:** Just to be clear, then: If an individual member or a group of members on a committee want to look into issue A, the planning meeting that happens twice a year, that could be raised there; there's a discussion. Then I take it it's a vote of the committee as a whole—I shouldn't say committee of the whole. It's then a vote of the committee, by majority, that decides if that matter will be taken up by the committee.

**Mr. Ken Hughes:** I cannot recall any instance of a vote having been needed, because our committees really try their best to work on a consensual basis. So 99 times out of 100, a whole committee—there's a consensual decision to adopt an agenda item.

**Mr. Gilles Bisson:** So your committees don't just deal with legislative matters coming from the House, then?

**Mr. Ken Hughes:** No. They have a dual function. They both undertake scrutiny of government policy and scrutiny into legislation. That dual function works well on the whole. The one pressure point we have always had and have never cracked is the problem of our justice committee, because there are a lot of law-and-order bills that always come through the Parliament. That justice committee spends most of its time every year undertaking legislation and gets little time to undertake inquiries of its own accord.

**Mr. Gilles Bisson:** I'm just going to defer to my Chair here for a second to understand—how long do we have in rotation? Do you want to go so many minutes and we rotate? How do you want to do it, Chair?

**The Chair (Mr. Garfield Dunlop):** Whatever the committee feels comfortable with. If you've got a series of questions, please feel free to go ahead with them. We've got right through to noon on this.

**Mr. Gilles Bisson:** Okay; all right. I'm just going to stick with committees, and after that I'll cede the floor to the other side. After that, I've got other questions on other matters.

How many standing committees do you have?

**Mr. Ken Hughes:** We have seven standing committees.

**Mr. Gilles Bisson:** And those standing committees: Are they all legislative committees or are they also oversight committees?

**Mr. Ken Hughes:** They are all dual-function oversight and legislation committees.

**Mr. Gilles Bisson:** Oh, I see. So they sort of play the dual role.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** Do they do their own estimates per committee, or is there one committee that does estimates?

**Mr. Ken Hughes:** We have a finance committee that has overall responsibility for estimates, but each committee will do its part in the annual budget process to feed into the finance committee's considerations.

**Mr. Gilles Bisson:** Can another one of the standing committees do an estimate on a particular ministry, or does it have to be finance?

**Mr. Paul Grice:** No, an individual committee could pick that up. For example, the health committee will quite often pursue financial matters with the chief executive of the Scottish health service.

**Mr. Gilles Bisson:** Is that the estimate or is that just an auditing process?

**Mr. Paul Grice:** They could do the estimate, but if they were doing the estimate, they would expect to do it in consultation with the finance committee.

**Mr. Gilles Bisson:** Okay. So it is up to the committees, then, to decide who does what estimate, but generally, finance has the overall responsibility.

**Mr. Paul Grice:** Exactly. It performs a coordinating function, if you like.

**Mr. Gilles Bisson:** Okay. I want to go back to—you say that most of your decisions at committee are reached by consensus. Is that the same when it comes to clause-by-clause on bills?

**Mr. Paul Grice:** No.

**Mr. Gilles Bisson:** I didn't think so. Then, if I'm to understand it, the Scots are no different than the rest of the parliamentary systems of the world.

**Mr. Paul Grice:** We're certainly not claiming to be any better.

**Mr. Gilles Bisson:** Okay. So on government bills, it's the status quo. The bill goes before the committee. After your hearings, amendments are proposed, and then parties vote, according to what they believe, on clause-by-clause.

**Mr. Paul Grice:** That's exactly right. I mean, obviously—and I'm sure it's exactly the same in your Parliament—it will depend on the nature of the bill. On uncontroversial legislation, there is a great effort made to find a way on consensus. But clearly, on the matters of policy, which divide parties, you would expect to see party views expressed through committees, in much the same way, as you rightly say, you'd see in any Parliament.

**Mr. Gilles Bisson:** Okay. Then back to your two meetings per year, your planning meetings: If an item is chosen to be reviewed at a committee, how do you determine how long that item is before a committee? Is there a set time or is that something just agreed to?

**Mr. Ken Hughes:** No. That authority is usually wholly delegated to the convener of that committee, the Chair of that committee, to decide how long an item may last. For example, it might be a one-off evidence session from a minister, but then again, it could be planned over a series of weeks. I mean, again, the answer is almost, "How long is a piece of string?" It's as long as the subject needs.

**Mr. Gilles Bisson:** So the Chair, I take it, does that in consultation with other committee members, right?

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** Yes, in consultation. Just out of curiosity, what's the average amount of—you have seven standing committees. They, two thirds of their time, deal with government bills, 90% of the time deal with government bills? What's the split between that and other matters?

0940

**Mr. Ken Hughes:** It actually varies quite a bit. The top two legislation committees, I would say, are justice, as I previously mentioned, and health. We do have quite a lot of health-derived legislation. Other committees such as—we've got a rural environmental committee. That doesn't tend to see so much legislation, so, ergo, it has more time to do inquiries.

I would say—ideally, it's hard to do a 50-50 split, to tell you the truth. But I would say, on average, committees would do something like 40% legislation and it would be 60% other inquiries.

**Mr. Gilles Bisson:** And could one—let's say your health committee—do a hearing on a matter that would normally be before—let me use another one. Let's say one of your other committees that is not too busy has a justice issue, as far as policy. Can they undertake a hearing on that because the justice committee is busy?

**Mr. Ken Hughes:** Not really, no. In our standing orders, the remit of committees is not prescribed, but at the start of each session, by standing order, the Parliament must agree what the remit of that committee is. Under standing orders, the committee cannot stray from that remit, so it would be quite difficult. Yes, there are some minor overlaps, but generally it would be quite difficult for one subject committee to inquire into another subject that is the remit of another committee.

**Mr. Paul Grice:** I think an important part of our structure—it's important to understand that we also have an organization called the Parliamentary Bureau, which is made up of the business managers—I don't know if you call them chief whips—from each of the parties. One of the roles of the business bureau is to allocate legislation to committees, but it also proposes to Parliament the committee remits, which Ken talks about. I guess, if there was a dispute between committees, if the committees themselves could not resolve it, then it would be referred to the Parliamentary Bureau, which would have the power, if necessary, in the final instance, to propose an alteration to that committee's remit.

But I think here is a role that I would expect the clerks to play and I would expect, if there was any such desire, the clerks to consult. It's certainly not unheard of for conveners of two different committees to sit down informally and have a discussion along the lines you've proposed. A lot, frankly, would depend on the extent to which those two committee conveners could agree that it was sensible for perhaps one committee to take on a piece of work that might—because there are some subjects which naturally could fall into more than one category.

**Mr. Gilles Bisson:** Okay. Just a couple more questions on this. You were saying earlier that the committee meets essentially at the call of the Chair.

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** And there's nothing in your standing orders that—so essentially, they do not need the permission of the House. You're saying as well—and I didn't catch it—not while the House is in session could they meet? Is that what I heard?

**Mr. Paul Grice:** That's right.

**Mr. Gilles Bisson:** Why would that be?

**Mr. Paul Grice:** That is just the way—there's been quite a lively debate on this. Indeed, it was recently considered—quite recently—by our procedures standing orders committee. It has in its origins a desire to give committees of the Parliament their place. The feeling is, if they have to compete, essentially, with the main House, then they'll be relegated, if you like, to second position.

It's always been, I think, the clear majority view within the Parliament that they should meet on separate

occasions. There is a standing order to allow them to meet simultaneously, but that is only used in exceptional circumstances.

**Mr. Gilles Bisson:** So your House meets how many days a week?

**Mr. Paul Grice:** From September—we've actually just altered it—the full House meets three days a week in the afternoons and the committees meet three days a week in the mornings.

**Mr. Gilles Bisson:** Okay. I got what you're doing. So you have quite an importance put on your committees. Your committees are actually fairly substantive as far as what they're dealing with.

**Mr. Paul Grice:** We do. In addition to the standing committees, there are another seven or eight—I think we have in total 15 or 16—

**Mr. Ken Hughes:** Fifteen.

**Mr. Paul Grice:** Fifteen committees. If you add in finance and audit and others, we have a substantial number of committees. I would agree with you, there is a feeling that committees are important—

**Mr. Gilles Bisson:** How many members are in the Scottish Parliament?

**Mr. Paul Grice:** There are 129.

**Mr. Gilles Bisson:** There are 129 and you have 16 committees?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** Wow. How many members on a committee?

**Mr. Paul Grice:** It ranges.

**Mr. Ken Hughes:** Probably about seven.

**Mr. Gilles Bisson:** So how do you—I heard seven. Are some smaller, or are some just a member per party?

**Mr. Paul Grice:** I'd say the smallest is probably six.

**Mr. Gilles Bisson:** So is the committee membership determined by ratio of the House?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** Yes. And again, you mentioned the Parliamentary Bureau. They also propose to the full Parliament the membership of the individual committees.

**Mr. Gilles Bisson:** A digression here: Are members called MPs in Scotland?

**Mr. Paul Grice:** MSPs, members of the Scottish Parliament.

**Mr. Gilles Bisson:** Okay, I just wanted to make sure I had it clear. MSPs, okay.

One last question, I guess: When you have, let's say, seven or six members on a committee, is your Chair chosen from that six or seven?

**Mr. Paul Grice:** Yes. And again, the Chairs or the convenerships are also allocated on a proportional basis. So against the whole 15 or 16 committees, or however many were set up, we have a formula called D'Hondt, named after a Belgian man, I think, which allocates. Each new committee that's created, we have a formula which will decide which party gets it, so a member of that party drawn from the committee membership will be the convener, and similarly with the vice-convener.

**Mr. Gilles Bisson:** Okay, so your standing orders don't determine which party chairs what committee?

**Mr. Paul Grice:** No, that's decided under that formula. The standing orders say we must have regard to party balance, but that's—

**Mr. Gilles Bisson:** How many parties do you have in the Scottish Parliament? I know I said it was the last question but—

**Mr. Paul Grice:** We have five. We have the Scottish National Party, the largest party which forms the government; the Labour party, the second-biggest party; the Conservative Party; the Liberal Democrats and the Green Party.

**Mr. Gilles Bisson:** So you always end up in a situation where the government is—well, not necessarily. The government could be in a majority. Do some parties not end up with any committee membership as a result of that?

**Mr. Paul Grice:** Well, yes. Only the three biggest parties are on every committee; you're absolutely right. The Liberal Democrats and the Greens are not on every committee. There's some negotiation between the party business managers to agree which they should be on.

What I would say is that if one follows the strict formula of allocation, then they wouldn't end up on any committees, or very few. But to be fair, the parties apply a pragmatic adoption of the proportionality rule to ensure that the smaller parties do get on to committees.

**Mr. Gilles Bisson:** So the gist of the whole system is there's a reason that—okay, I get it. I pass on to my colleagues across the way.

**The Chair (Mr. Garfield Dunlop):** Thanks, Mr. Bisson. Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Grice, it's Mr. Balkissoon here from the Liberal Party. Can you just expand a little bit on your House schedule? You said that the House meets three days on afternoons and committees meet three days on mornings. How many weeks per year does the Parliament meet?

**Mr. Paul Grice:** Thirty six.

**Mr. Bas Balkissoon:** Thirty six?

**Mr. Paul Grice:** Yes.

**Mr. Bas Balkissoon:** And my next question would be: When legislation is brought to the House and it's then sent to committee, is it sent directly to the committee or is it sent through this business bureau that you mentioned?

**Mr. Paul Grice:** It goes to the bureau. We have a three-stage legislative process. Once a bill has passed the necessary requirements for introduction, which we could talk to you about if you're interested, it goes to the bureau and the bureau allocates. Nine times out of 10, possibly even more, it's very obvious which committee it should go to.

**Mr. Bas Balkissoon:** But does it pick a timetable when it goes to the committee and can legislation—the whips who are involved in this business bureau, similar to ours, do they determine when it goes to the committee?

**Mr. Paul Grice:** Yes, and they will typically agree on a timetable, usually informally, but they have the power at the bureau to set formal deadlines if it's required.

**Mr. Bas Balkissoon:** Do they also have the power to delay it or not send it forward?

**Mr. Paul Grice:** No, they're actually required—no, that's one thing they don't have the power to do.

**Mr. Bas Balkissoon:** Okay. I'll pass you on to my colleague Tracy MacCharles.

0950

**Ms. Tracy MacCharles:** Good morning, gentlemen. Thank you so much for participating. This is very helpful and insightful for all of us to compare and contrast our own procedures and standing orders.

I have kind of a logistics question when it comes to committees. I know you don't have the exact same numbers or types, necessarily, but how do you manage—two things: One question is about attendance; the other is about staying on the topic of a committee.

Do you have standing orders about everything from substituting members to the number of people required to have a quorum, those kinds of things? Then my second question is more about when a committee is in progress and conducting its business. How tightly is that agenda managed? If a committee is convened to focus on a particular topic or a certain line of questioning, for example, do you set timelines on that? Do you allow topics to wander? I'm just wondering if you could give us a general summary of how those logistic things work in your world. Thank you.

**Mr. Ken Hughes:** We have rules on substitutes that were taken up on a few occasions, so that worked quite well. We have a quorum of three. We need to have three.

Having said that, I want to say that unless we have dreadful weather, which we do have from time to time, we never have a problem of achieving a quorum or anything approaching it. We normally have, actually, full attendance of all members at all committee meetings. Again, as Paul said, the Parliament, since the start, has tried to place a significant degree of importance on committee work, and that is respected by all members.

In terms of controlling agenda, that I suppose, in part, is up to the convener and how he or she feels they want to chair the meeting. Committee meetings don't have timed agenda items, but it is tacitly acknowledged that every agenda item for that committee meeting will be taken. Committee meetings generally last between two to three hours, with an average of, say, four to five agenda items. They're always taken. There is no facility for a member to introduce an item that is not agreed to beyond that agenda.

**Ms. Tracy MacCharles:** Thank you. So in the case where you might have a fairly open agenda to review either a proposal or a financial statement by one of your departments, for example, and the bulk of the time is made up of, say, questioning by various parties, how much rigour do you inject or not to ensure that a range of topics is discussed? For example, can one party ask questions just on one topic for a good portion of the day or

time? Do you have scenarios like that that occur in your government?

**Mr. Ken Hughes:** Yes. Before each meeting, the clerk will have a briefing meeting with the convener before the meeting starts to discuss how the convener would want to chair that meeting. So, as I would say, at the very least, there is an understanding on the convener's part about how long he or she will allow that agenda item to go on for and how many questions they may allow to be asked. Conveners will generally allow a member at the table two or three questions per topic and go around the table to ensure each member has a fair go at questioning each witness in front of them. But again, how long that agenda item goes on for will be generally agreed to amongst all committee members before they sit down and start that item.

**Ms. Tracy MacCharles:** Thank you. In terms of hours of operation of committees, can you tell me a bit about that?

My next set of questions is relating to accommodating persons with disabilities or special needs, things like that. How does that work in the context of either your Legislature and/or the committees themselves? First, just general hours of operation for the committee, and then I want to talk a bit about what we call accessibility.

**Mr. Paul Grice:** Okay. I'm happy to pick that up and then Ken can come in. The committee generally starts about 9:30 in the morning and will run through, as Ken said, until 12 or 12:30. It's really for the committee to determine its own start and finish times, subject to the point I made about not overlapping with a meeting of the full Parliament. But they have discretion indeed, and they can and have met on occasion on, say, a Monday afternoon, and of course, they meet outside the Parliament on occasion as well. That gives you a broad idea: Roughly 9:30 to around about 12 or 12:30, I think, would be typical.

A great emphasis is placed on access and accessibility. For example, any witness that has been called will be written to in advance by the clerk to ask about any special needs, and every effort would be made to accommodate that, whatever that was, whether it was physical access or whether it was help, interpretation. We obviously have full induction loop systems etc. for people who are hard-of-hearing. The equality of opportunity, particularly for people wanting to participate in proceedings, is given a very high priority in the Parliament.

**Ms. Tracy MacCharles:** Great. Thank you. What's the average age, approximately, of members in your Legislature? Do you have a high-level sense of the demographic breakdown in terms of gender or other groups represented from the communities they're elected from?

**Mr. Paul Grice:** Yes. Just over 50 years old, I think, is average. What was quite interesting, we had an election just over a year ago, and although the average remained the same—somewhere in the low 50s—we got more older and more younger members. Our youngest member is probably in their mid-20s, and we certainly

have one or two members at or around 70 years old, so we have a good age range, I would say.

In terms of gender balance, I think we're just not quite 60%-40% male-female, maybe slightly 65%-35%, so not ideally balanced, but reasonably good.

In terms of reflecting some of the ethnic makeup, not too far off. Scotland, I think actually in contrast with, say, England, has an ethnic minority population of around, I think, 3% to 4%. To be proportionate, we would expect to have three or four members; I think we have two members from the ethnic minorities. We're not quite representative, but broadly so.

We have a member who is blind and two or three members who have difficulty in hearing. There are certainly a couple of members who have significant physical access issues.

I would say, broadly speaking, the Parliament reflects the makeup of Scottish society.

**Ms. Tracy MacCharles:** Thank you. My final question is fairly broad, and I think it's something that we struggle with a bit in Ontario. Is there an open mechanism or any kind of communication that reaches out to people in your populations who want to become members of Parliament? Do you have a single place people can go to get information, or do people kind of figure this out through party lines and other informal channels? What I'm getting at, really, is the access to participate in the democratic process as a member. Of course, there are other access issues, as you touched on, at committees and other ways for people to participate in government beyond being an elected member. How easy or difficult is it for people who want to put their hand up who haven't, for example, been part of a party for a long time or things like that? Do you have any information sources or websites that direct people who want to represent their communities?

**Mr. Paul Grice:** It's a rather good question. I think the short answer is that the easiest and most common route, by far, is still up through the established political parties. I think that's the first point I would make.

#### 1000

However, sitting as a Parliament, we've put a huge effort into a very significant school program which is both outreach and here in the Parliament. There is a Scottish Youth Parliament, which is elected throughout Scotland. It meets sometimes here in the Parliament and outside, and half of that, of course, is to not just encourage but to give young people an opportunity to see what it feels like to be a legislator.

But I still think for us, the main route in—we have, for example, only one member who is what you'd call a true independent. She sits outside the party structure. We do have some independent members, but the vast majority still come through the parties.

**Mr. Ken Hughes:** In the second session of our Parliament we had more independents, and that's because we have a PR voting system. The voting system in itself does allow some access, rather than a first-past-the-post, because there's not an inevitability about voting results, so

there's a slight encouragement there. But there's certainly not a central facility as you describe.

**Ms. Tracy MacCharles:** Nor is there one here, just to be clear.

Thank you very much for answering my questions this morning.

**The Chair (Mr. Garfield Dunlop):** Mr. Balkissoon, before we go to Mr. Chudleigh.

**Mr. Bas Balkissoon:** Thank you again, Mr. Grice. I want to go back to the planning meetings held by the committee chair and the members of the committee. Basically, you said that there was a 60-40 split in the committee, dealing with legislation and then 40% in the other business. How does that other business find itself on the discussion table?

**Mr. Ken Hughes:** The split is the other way. It's probably more 40% legislation and 60% inquiry. The planning days will always only take account of the inquiry work because that is the work that is at the committee's own volition. Once a piece of legislation is introduced to the Parliament, it's all described. It will go to the bureau and the bureau will refer it to that committee. Their expectation is that that committee will start scrutiny of that legislation straight away, so they've not really got much choice about how and when they time legislation. Once it comes into the Parliament, the committee knuckles down and starts scrutinizing. Basically, the time available at the committee's volition is when they undertake inquiries of their own choosing.

**Mr. Paul Grice:** I think in terms of what inquiries are pursued, I would say on some of those planning days there's really quite a vigorous debate. But by and large, the controversy is not over what issues to pursue. Where it gets more politically contentious is how they're done.

Our experience is—and Ken's right: I don't think I've ever actually heard of a committee, after a planning day, failing to agree on which topics to pursue. What you would expect, in the middle of a topic, is some heated discussion, depending on the controversy, and of course, when it comes to writing the committee's report is where you'd expect it.

Our experience over the past decade or more is that there is genuinely a consensus over which issues to pursue. Where it becomes more politically controversial, of course, is when the committee is trying to come to some conclusions and recommendations. That's when, as you might expect, factors including party political positions come into play.

**Mr. Bas Balkissoon:** Okay. But other business at the committee, where members raise issues: Can it be discussed at the committee or does it have to go through the business bureau?

**Mr. Paul Grice:** It's all through the committee. The only things which the bureau itself sets are actually the reference of bills on the original agreement. It has been accepted—and committees guard this with great jealousy—that they determine their own business.

I think there is a culture that actually, within a committee, they will attempt, always, to accommodate all the

members of that committee in terms of issues they want to debate. They may not get as much time as they would like, but I think the culture very much is to respect the wishes of individual members. If they have a particular matter they wish to pursue, it would be normal practice for the rest of the committee to try to accommodate that.

**Mr. Bas Balkissoon:** Should that debate take place, what can be the end result? Does it end up in legislation? Does it end up being referred somewhere else? Can you just give me a little bit of an idea?

**Mr. Paul Grice:** I guess the most common outcome would be a report from the committee making recommendations to government. In the Scottish Parliament, the committees actually have power to initiate legislation themselves, so it could end up as a committee bill. They would be the two main courses: either a recommendation which almost certainly would include recommendations to government or observations for government to consider, or they have the power, if they so desire, to initiate a bill of their own accord.

**Mr. Bas Balkissoon:** Okay. I want to move to another topic. You did mention the committee Chairs, that you had something called a “Hunt” formula and it determines which party gets the Chair. The actual person being selected as Chair—is it the committee that makes the decision of which member of the committee becomes the Chair from that particular party?

**Mr. Paul Grice:** Technically, yes. But I'll be honest with you, I think it's widely known in advance.

If I could spell it, it's a rather odd spelling. It's D'Hondt, so it's D'-H-O-N-D-T, I think named after a Belgian man. That would say—and it's a kind of rolling thing, so that can accommodate up to 40, 50, 60 committees. It just keeps rolling forward. For the first committee it would say that, for the sake of argument, the first committee pick will be an SNP, so out of the SNP members of that committee, one will be chosen as convener. But in reality, the parties agree themselves which of their number is going to get it, and that is respected by the rest of the committee. So yes, formally the committees elect that member, but in reality that has been agreed in advance.

**Mr. Bas Balkissoon:** Thank you very much for being with us. Thanks very much for answering my questions.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Balkissoon. I'll now turn it over to Mr. Chudleigh.

**Mr. Ted Chudleigh:** My name is Ted Chudleigh. I'm a member of the Progressive Conservative Party. Mr. Grice, Mr. Hughes, thank you very much for taking the time today.

I was interested to hear that you only have three or four members in the Scottish Parliament with hearing problems. It has been my experience in our Parliament that almost 100% of our members have hearing problems.

I understand the Parliament sits for 36 weeks. Is it possible for the government to recall Parliament beyond the 36th week?

**Mr. Paul Grice:** There are two ways in which the sitting patterns are set. The bureau makes the recommendation to the whole Parliament on the annual sitting pattern, and that really can be—there are no limits in the standing orders; it could sit for 52 weeks of the year, but we try to establish that a year or more in advance. Ken will keep me right on it: The only person who actually can recall Parliament is the presiding officer of the Parliament, our Speaker. The government has no power to recall Parliament. It's entirely a matter for the presiding officer. It's her judgment.

**Mr. Ted Chudleigh:** Interesting. I understand the Scottish Parliament is about 10 or 15 years old. Were you there at the inception of the Parliament?

**Mr. Paul Grice:** Both Ken Hughes and I were here. We're exactly 13 years old as a Parliament and we were both here, and I was in my current position then, yes.

**Mr. Ted Chudleigh:** And when the rules were drawn up and the committees were drawn up in the procedures, were they roughly based on Westminster or did the Parliament go beyond that in looking for a formula that would work in Scotland?

**Mr. Paul Grice:** Very much the latter. I hope we were mature enough to learn what we could from Westminster, but we certainly did not—our standing orders look very different to Westminster. We have essentially a legislative process which would not be unfamiliar to you in Ontario, I don't think, or indeed to our colleagues down at Westminster, but we started, really, with a clean piece of paper, and we took as much inspiration from Scandinavian countries—and indeed, of course, we did look at Canada and Australia, other major Commonwealth countries. We started with a clean slate.

Naturally, there are only so many ways to scrutinize legislation, so there is a degree of overlap. But I think we attempted to produce something which was distinct and suitable for Scotland. I suppose underlying it was a very strong desire to try to make the process as open and accessible as we could.

**Mr. Ted Chudleigh:** In the past 13 years, I'm sure there have been some subtle changes. Have there been any major changes to the way the Parliament works or the committee system works?

1010

**Mr. Ken Hughes:** To tell the truth, no. I probably would have expected more, but I think it's been a great testament to the original draft that there has never been a desire to sit down and certainly rewrite any large part of our standing orders. Yes, they've been tweaked along the way, and we've had to add a few other additional procedures in, but we have not rewritten anything major at all.

**Mr. Ted Chudleigh:** At a point in time around here, the members used to get a stipend for showing up for committee duty. Is that process in place in Scotland?

**Mr. Paul Grice:** No. Members get a basic salary and that's it.

**Mr. Ted Chudleigh:** Good. And that basic salary is in what range?

**Mr. Paul Grice:** It's around about £55,000 a year. I can't do the conversion, I'm afraid. I'm not aware of the current exchange rate.

**Mr. Ted Chudleigh:** Okay. Good. In the afternoons, you have routine proceedings and orders of the day, I assume. Approximately how does that break down? How long would routine proceedings take?

**Mr. Paul Grice:** You speak to us at an interesting time because we have just adjusted the parliamentary week. Beginning in September, when we come back, the aim is to begin on a Tuesday afternoon with urgent, topical questions, and they are questions which will be selected the day before by the presiding officer as being of sufficient urgency to merit an answer.

You would then expect to move—I mean, we may have procedural motions before that, but putting those aside, we would then move, probably, to some government business, a debate, and finish the day off with what we call a members' debate. That would be on a less controversial issue that might affect a member's constituency, for example.

On a Wednesday, again we would begin with questions, but this time it's a rolling system of questions that scrutinizes each government department in turn. Each week, you'll have one or two departments up for questioning. Again, you'd have government business or possibly legislative process in the afternoon, depending on what bills are before Parliament.

Then on Thursday, we begin again with general questions—a brief general question time—followed by First Minister's questions, which is a bit like Prime Minister's questions down at Westminster. It tends to be a fairly lively, if not rowdy, affair. Then we would break for a brief lunch and come back again at about 2 o'clock and have a full afternoon's business.

Now, in amongst that there will be—opposition parties have a right to so many slots of business per year, so that would have to be accommodated. The business bureau will meet ahead of our first week back and will propose a schedule, usually a rolling fortnight ahead of business so members know what lies ahead of them.

**Mr. Ted Chudleigh:** In the 13 years, I think you've had a lot of minority governments. You have had majority governments, though?

**Mr. Paul Grice:** They've all been minority governments until the last election. We have our first majority government—sorry, I correct myself. We had a coalition government the first few Parliaments between the Labour Party and the Liberal Democrats. In our third session, which was 2007 to 2011, we had a minority SNP government. Now we have our first single-party majority government which, again, is the SNP.

**Mr. Ted Chudleigh:** Has there been any attempt by the majority government to alter or change the rules, even slightly?

**Mr. Paul Grice:** No.

**Mr. Ted Chudleigh:** It'll come, believe me.

**Mr. Paul Grice:** As you might imagine, I couldn't comment on that.

**Mr. Ted Chudleigh:** Thank you very much.

**The Chair (Mr. Garfield Dunlop):** Thank you, Mr. Chudleigh.

Can I ask a quick question, Mr. Grice? What is the population of Scotland?

**Mr. Paul Grice:** It's 5.2 million.

**The Chair (Mr. Garfield Dunlop):** It's 5.2 million. I just want to make sure I got this correctly: You said 36 weeks a year, three days a week?

**Mr. Paul Grice:** Yes.

**The Chair (Mr. Garfield Dunlop):** Do you have what we would call our winter—our January, February, March—do you have a break in there?

**Mr. Paul Grice:** No, we don't. We do have a break, but really just to cover Christmas and New Year. We will typically—I can tell you, I think recess this year will begin on about the 20th of December and we would likely start again around about the 8th of January, so a relatively short break.

**The Chair (Mr. Garfield Dunlop):** Okay. Anybody else, any other questions? Mr. Bisson.

**Mr. Gilles Bisson:** Mr. Schein and myself—

**The Chair (Mr. Garfield Dunlop):** Mr. Schein?

**Mr. Jonah Schein:** Hi there, gentlemen. Thank you for joining us here. My name is Jonah Schein. I'm a relatively new member of the Parliament here, nine months elected.

I came into this job with a concern about the lack of belief that people have in our democratic system. In fact, a lot of people have given up hope in this system. I'm interested to hear that you're using a system of proportional representation. Is that right? You're using the PR voting system?

**Mr. Paul Grice:** We are, yes.

**Mr. Jonah Schein:** And what's the voter turnout over there in Scotland?

**Mr. Paul Grice:** It's varied. I'd say about 60%.

**Mr. Jonah Schein:** Sixty percent?

**Mr. Paul Grice:** Yes, 60%, so, not brilliant; not awful, but it's obviously something that is of concern, I would say.

**Mr. Jonah Schein:** That's slightly better than what we have. We're at about 50%, I think, here in Ontario. How do you compare to the UK?

**Mr. Paul Grice:** Slightly below. I think the last UK election was, if not 70%, probably somewhere in the high 60s.

**Mr. Jonah Schein:** Are there any kinds of initiatives to try to increase voter participation?

**Mr. Paul Grice:** Yes. In terms of the way the Parliament is structured and in terms of the way we deploy our resources—clearly we're a Legislature, and it would be the same for you as members of Parliament. You expect to have a lot of support: clerks, researchers, reporters etc. But we put a very significant effort into the other bits of the organization, which is to try to engage with people. We have a big outreach program, principally working with schools but with other groups. We have a lot of people come into the Parliament; maybe about 350,000

people a year visit. They're obviously not all citizens of Scotland, but we do get a lot of people.

We spend quite a lot of effort trying to understand what issues concern people. We have an e-petition system, which I think has been quite successful. I've talked about the Scottish Youth Parliament. We have a new innovation starting this year called Parliament Days. The committees have always met outside the Parliament, and that's usually very successful. They'll meet in communities around Scotland. We're trying to make those have greater impact, so not just have a committee meeting, but we will try to have a day of events around that. The members of Parliament will go out, whether it's local businesses, communities or schools, and work with the local authority in that area. We are constantly striving to try to make the Parliament successful and relevant.

It's a tall order, is the honest answer, but that's one of our ambitions. I don't know if Ken wants to add to that.

**Mr. Ken Hughes:** Yes. When the Parliament sits, as Paul explained, we do a lot to try and raise awareness and to encourage people to engage with the Parliament. In terms of voter turnout at general elections, we will invariably do work with the electoral commission, which governs the rules of our elections, and we will put out information about why people should vote, basically explaining what the Parliament does for the people.

**Mr. Jonah Schein:** You said that you use e-petitions. Are electronic petitions submissible within your Parliament?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** Yes.

**Mr. Jonah Schein:** And are there other forms of social media being used for outreach and engagement?

**Mr. Paul Grice:** They are. Ken's the expert on that, so I'll let him brief you.

**Mr. Ken Hughes:** Yes. We just launched a new e-petition system, so as well as being able to lodge electronic petitions, it's a facility for anybody to visit that site and post comments on that petition that will basically be used as further evidence for the committee to consider.

I'm sorry, what was the other question?

**Mr. Paul Grice:** How the social media—

**Mr. Ken Hughes:** Yes. Two or three committees have recently started using Twitter, not to engage in discussion about committee business, but it's more pushing information out. There will be tweets saying, "Next week the committee is taking evidence on X, Y, Z," or, "The committee is just about to publish a report on health." We use that to push information out.

**Mr. Paul Grice:** We're actually looking as well—one of the things we were examining just before the summer recess that we'll pick up again is even the way committee reports are structured. I would expect that in the next couple of years we will start to construct committee reports specifically to go out on social media and, for example, to allow the embedding within them of electronic media. We've had some very encouraging discussions with our committee Chairs, our committee conveners, who have asked us to do some work.

## 1020

I think there has been quite an embracing of social media, provided we can establish that, actually, it will have some benefit. But I think we realize that actually, the core output from Parliament, if you like, which is often the reports of committees—what we've done is we've classically used written reports, written in the old style, and put them out through electronic media. But I would expect in the next year or two, we will start to produce reports specifically designed to go out on social media.

**Mr. Jonah Schein:** Have you had any problems with social media or with the electronic petitions? Has there been any fraudulent use of electronic petitions?

**Mr. Ken Hughes:** No. What we do is we have a process whereby a petitioner will submit an electronic petition, but that first goes to the clerks of the committee. It then engages the clerks to start speaking with that petitioner—because quite a lot of the times, the petition needs shape—and basically informing the petitioner themselves of what they're trying to achieve, and that area needs a bit of discussion.

In the first engagement, working with that electronic petition will, in fact, be our person engaging with that petitioner. Only at the stage where that petition is a functioning, admissible petition will it then be posted on the website, because then it's competent.

**Mr. Jonah Schein:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson.

**Mr. Gilles Bisson:** It's me again. How are you doing?

Where to start? I've got so much to ask. Let's go back to how you come around to selecting your committee Chairs. I take it the intent of the formula that you've established is to essentially make sure that committee chairmanship is not, how would I say it, completely controlled by the government. I take it that's the intent?

**Mr. Paul Grice:** It's intended to produce something which reflects the makeup of Parliament, so again, it means the majority cannot use it to grab every one. Within that—as I think is quite normal in Parliament—the audit committee is traditionally chaired by a non-government member of Parliament. Beyond that, the formula just runs through. But that's exactly right. We have 15 committees. I think currently about nine of them have SNP conveners, and then you'd have five Labour conveners and one Conservative convener, and that obviously varies, depending on the election results.

**Mr. Gilles Bisson:** So your formula, I take it—the way it works is it's apportionment by reflection of the House?

**Mr. Paul Grice:** That's right.

**Mr. Gilles Bisson:** So essentially, that's what that does. Okay.

You talked about the Scandinavian—you reached out to the Scandinavian Parliaments in order to look at drafting your standing orders. Which ones in particular did you find were of interest? I'm just curious. It's something we've not done.

**Mr. Paul Grice:** Yes, I think Sweden is of interest. I think the biggest thing we got from Sweden was a big focus on something we call pre-legislative scrutiny. Those of us who have some experience down at Westminster felt that bills were, in particular, often introduced not really fully formed, and they were fixed as they went through Parliament by government. In particular, they were fixed in the Upper Chamber, and we're a unicameral Parliament.

What we saw in Sweden was quite interesting. There is a process there by which legislation is not introduced until it's been through quite a wide process of consultation—

**Mr. Gilles Bisson:** Before it's introduced? Let me interrupt you. So before the bill is actually introduced, it goes through a committee process, or it goes through what kind of process to determine what's going to be in the bill?

**Mr. Paul Grice:** Yes. That's what we saw in Sweden. We're not quite like Sweden, but typically in Sweden, a bill might even be two years before it's even introduced into Parliament while government consults on it.

Now, we're not quite in that position, but there's an absolute expectation in the Scottish Parliament—unless it's emergency legislation, obviously, when special procedures apply—that when a minister introduces a bill, half of that accompanying documentation explains what consultation has taken place. When the bill is then referred to a committee at our stage 1, the first thing the committee will do is no doubt invite the minister in to present the bill, but the first thing the committee would want to know, regardless of party, is who was consulted, what was the output of that consultation.

The whole point, I think, is to try to encourage government—because at the end of the day, government really is the body that holds the power—to engage with people and bring that into the Parliament. If a committee is not satisfied that sufficient consultation has been done—and this is precedented—a committee will eventually hold its own consultation on the bill as part of that process.

**Mr. Gilles Bisson:** So let's say I'm the minister of the crown at cabinet and we decide to do a bill on X.

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** Do we first charge a committee to look at the matter? Or do we just go out as a cabinet ourselves and do it? How do you initiate?

**Mr. Paul Grice:** Much more like the latter. The government has the power to initiate legislation and I would say, more often than not, they would go out. It's not unprecedented for the government, for example, to promote a debate in Parliament. We've had a couple of cases quite recently where the government has scheduled a debate just on a broad topic, just to see what the mood of the Parliament is.

The more normal route is the government will announce that it's going to legislate on housing, for example, but then you would expect it to undertake a period of consultation, and only after that has concluded, bring forward to Parliament a bill. The strong focus of

the committee initially would be on, "What did the consultees say about this when you asked their opinions?"

**Mr. Gilles Bisson:** So in this particular process, what you end up with is that when the bill is drafted for first reading and introduced in the House, the public and legislators have had a chance to have some input on what that bill would look like; correct?

**Mr. Paul Grice:** Yes, that's exactly the aim. If I'm being honest, you'd imagine over 13 years I'd say sometimes that has been very successful and other times the accusation is that it has been a rather perfunctory consultation, but that's certainly the ambition. I would say it's been, broadly speaking, a success, and certainly, compared to my experience at Westminster, it has been successful and it certainly caused there to be a lot more consultation.

You will know yourselves, as parliamentarians, most of the key decisions are made early on in the process. By the time a bill is well through its parliamentary journey, most of the key decisions are made. It's observing that, and that's something that we very much picked up from Sweden.

**Mr. Gilles Bisson:** Just by way of information back to you, in this place—I've been here since 1990—originally, a bill would be introduced in the spring, it would go to committee during the summer for hearings, then it would come back in the fall, maybe late winter, for passage at third reading. We're now in a situation where bills are introduced in the spring and they're done by the end of the spring, normally done within about a two- to three-month period, all in.

**Mr. Paul Grice:** That's quick. Again, it depends on the size of the bill, but I would say, on average, around about a year.

**Mr. Ken Hughes:** Nine months.

**Mr. Paul Grice:** Nine months; about nine months would be average for a bill. But that's nine months, assuming there's been a reasonable consultation before that, so that nine months does not include the government's consultation.

**Mr. Gilles Bisson:** So there's the consultation prior to introduction of the bill, and then the legislative process is roughly about a year.

**Mr. Paul Grice:** Yes, I think that's a good rule of thumb.

**Mr. Gilles Bisson:** So that then means to say your process by which a committee is allowed to look into a policy matter may in itself result in a bill being brought forward by the government at one point.

**Mr. Paul Grice:** It might do. It has happened. We've had a few cases where the committee itself has gone on.

Ken just said to me possibly the most well-known one was the ban on smoking in public places. We were not the first in the world but in the vanguard of that. That emerged through that process and then the government adopted it.

It's more common, I think, for committees to shape what the government is wanting to do as opposed to

cause the government to initiate something new. But yes, there have been a few examples where—

**Mr. Gilles Bisson:** Repeat the last part, just to make sure I got that right. It's more likely—

**Mr. Paul Grice:** It's more common, I'd say, for a committee inquiry to shape government policy, to shape an existing idea, as opposed to cause the government to bring forward something completely new. The smoking policy certainly emerged out of work in committees by individual members.

The other one that comes to mind was the creation of the children and young persons commissioner. That was very much driven by the committee. In fact, that was our most significant committee bill. Because the government did not want to legislate, the committee used its powers under standing orders to actually initiate its own legislation. So we drafted the entire thing ourselves.

1030

**Mr. Gilles Bisson:** All right. That's pretty clear. Let me see, I've got a bunch of questions. I'm just trying to keep them by area. Just give me one second.

**The Chair (Mr. Garfield Dunlop):** Gilles, we only have so much time left. We have them for about an hour.

**Mr. Gilles Bisson:** I thought we had them till 12.

**The Chair (Mr. Garfield Dunlop):** I did too, at first.

**Mr. Gilles Bisson:** All right. Could you send me your phone number and I'll call you back?

**The Chair (Mr. Garfield Dunlop):** We do have one quick question from Mrs. Mangat.

**Interjection:** Yes, of course.

**Mrs. Amrit Mangat:** Paul and Ken, thank you for your presentation. My question is very much along my colleague's line. I'm Amrit Mangat. I'm from the Liberal Party. Gilles Bisson spoke about committees. As we know, the UK House of Commons has general committees and select committees.

**Mr. Paul Grice:** Yes.

**Mrs. Amrit Mangat:** Do you have in the Scottish Parliament the same kind of committees?

**Mr. Paul Grice:** No. We just have one type of committee which covers both of those.

**Mrs. Amrit Mangat:** Okay. Can you shine some light on what kind of committees you have?

**Mr. Paul Grice:** Yes. It's like a unitary committee. So if I could take, for example, the Health and Sport Committee here in the Parliament, its duties will range from considering, of course, and disposing of any legislation falling within its remit on the structure of the health service, or whatever that would happen to be. It would have the job each year of supporting the Finance Committee in scrutinizing what you would call the health estimates, expending on health. It would have responsibility for initiating its own inquiries into health and it would also have the duty of bringing the ministers in. Being the health committee—and I'm sure it's the same in Ontario—possibly being the most controversial area of policy, it would frequently be having ministers in for detailed questioning on policies.

I suppose, finally, it would also—back to Ken's point about petitions. If the petitions committee received a petition relating to health, decided it was admissible and decided it merited action, probably the most likely action would be to forward it on to the health committee for their consideration.

They would be the sort of tasks that the health committee would have to consider.

**Mrs. Amrit Mangat:** How do you select membership on those committees?

**Mr. Paul Grice:** That task really falls to the Parliamentary Bureau. They would recommend to Parliament the size of the committee, the remit of the committee and the membership of the committee, and then that would be agreed to by the whole Parliament.

**Mrs. Amrit Mangat:** Do you have a one-hour question period every day in the Parliament?

**Mr. Paul Grice:** I'll let Ken give you the—one-hour question period every day? Do you want to just go through the questioning, the questions involved?

**Mr. Ken Hughes:** Yes, surely. We have just, as Paul explained earlier, changed our procedures here. We have questions both at committee—but again, it's up to the committee. Maybe once or twice a year the committee will have the minister in and will spend an hour questioning them. They'll all be quite detailed, specific questions, and quite sustained, obviously, over an hour period.

During the parliamentary week there are occasions when there will be topical questions that will involve non-specific questions, but they will be basically topical to the issues of the day, and that may be the first 15 minutes of a parliamentary sitting on a Tuesday. On a Wednesday, we will have a themed question time, which will normally involve two ministers with two different portfolios, and they will each take a 20-minute turn to answer questions on their specific topic. On Thursday, there will be a general question time which will pick up any theme whatsoever and, again, members have 20 minutes to ask ministers questions on that; and then we'll have 30 minutes of questions to the First Minister. So that's oral questioning during the week.

**Mrs. Amrit Mangat:** Do your committees travel, and do you meet in closed-door meetings too?

**Mr. Ken Hughes:** We travel probably less than we would like, sometimes because of budgetary considerations, but others just because it's difficult sometimes to do some parts of business away from our Holyrood base in Edinburgh. But committees do travel. Maybe six or seven times a year a committee will travel out to other parts of Scotland.

**Mrs. Amrit Mangat:** Thank you.

**The Chair (Mr. Garfield Dunlop):** Could I ask you to stay on for a couple more minutes, Mr. Grice? Mr. Bisson has a couple more questions.

**Mr. Paul Grice:** Yes, we're at your disposal.

**The Chair (Mr. Garfield Dunlop):** Thank you. Mr. Bisson?

**Mr. Gilles Bisson:** I'm going to try to go quickly. On your rule changes, if, let's say a future Parliament wanted to change the rules, is it a simple majority vote?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** And that's done by way of a government motion, I take it.

**Mr. Ken Hughes:** No. The procedures committee that has the responsibility to put forward any recommendations to change standing orders will do a report, then, on a motion to Parliament that will seek parliamentary resolution to the changes.

**Mr. Gilles Bisson:** In other words, a government can't, on its own, introduce rule changes; they have to go through the procedural committee?

**Mr. Ken Hughes:** Yes.

**Mr. Paul Grice:** That's right. At the more general level, and I think an area that is quite distinct between ourselves and Westminster, is that there is a greater separation of Parliament and government. For example, we don't have a leader of the House. There is no notion—the feeling is that the presiding officer, ultimately, should be the unchallenged person in charge of the Parliament. While of course a government may well have a majority on the procedures committee, procedures committees, by tradition—and it's no different here, I think—regard themselves as guardians of the rule and I don't think would take kindly to undue government interference.

The government itself has no power interfering that way. Clearly it has influence; I wouldn't deny that. But I think there is a quite distinct procedure that tries to keep government separate from the dealings of Parliament, accepting, of course, that we live in the real world of politics. But in practice, it makes the role of the presiding officer really very important. The current presiding officer and her three predecessors—they've come from a range of parties—have always guarded that very jealously.

**Mr. Gilles Bisson:** Essentially, you don't have House leaders.

**Mr. Paul Grice:** No.

**Mr. Ken Hughes:** No.

**Mr. Gilles Bisson:** What you have are whips that determine what is going to get done when in the House, and then the Speaker is in charge of essentially the running of the House.

**Mr. Paul Grice:** I think that's well put. I think that sums it up nicely.

**Mr. Gilles Bisson:** Now, just back to the rule changes: If a government in majority or in a coalition decided it didn't like a particular rule, they would have to bring it to the procedural committee, right?

**Mr. Paul Grice:** That's right.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** But they would control the procedural committee by way of their ratio on that committee.

**Mr. Paul Grice:** Yes, they would, and I think the defence—I agree, absolutely. There's no getting away from that reality. In practice, however, and this has been through—10 years is not long in the lifetime of a Parliament, so I'm always a bit reluctant to draw a firm rule, but my observations throughout all that time is that the members of the procedures committee do not take kindly to government, even their own party, putting pressure on them to bring forward changes. They've always, and I think it's a great credit to them, taken the view that they're there as parliamentarians. I've seen really no evidence of the government trying to change rules to their own advantage.

**Mr. Gilles Bisson:** So the long and the short of it is that party discipline is not completely adhered to in committee.

**Mr. Paul Grice:** Not on that committee. I'd have to say there are other committees: justice, health—

**Mr. Gilles Bisson:** Have either of you worked in Westminster before the Scottish Parliament was put together?

**Mr. Paul Grice:** I worked in Whitehall. I was more on that side. I did a lot of work for about seven years—

**Mr. Gilles Bisson:** The culture in Scotland, as far as your Parliament, is very different than the British Parliament, then, when it comes to party discipline?

**Mr. Paul Grice:** I wouldn't say it's very different. I think it's a little different. Though, I have to be honest with you, many of the Westminster select committees—and I believe this honestly—I think show themselves quite able to stand above party politics. I regularly—

**Mr. Gilles Bisson:** Let me rephrase my question. I understand there are always some party politics, but my point is, it seems that the culture of your Parliament is that committees play a fairly significant role in the legislative agenda of the Parliament itself and that governments or parties cannot influence the result on committees as easily as they can in my system or Westminster.

**Mr. Paul Grice:** Put it this way: I think the government has a much looser grip on the proceedings of Parliament here. It probably has about the same grip on the policies, if you like, debated in committee. Is that a helpful distinction?

**Mr. Gilles Bisson:** Yes. I understand. I get it.

Just in regard to committees: Can they sit when the House is not in session, in other words, in the summer or the winter break?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes, they can.

**Mr. Gilles Bisson:** And completely at the call of the Chair; it's up to the committee if they're going to meet or not?

**Mr. Paul Grice:** Yes.

1040

**Mr. Gilles Bisson:** Do you have night sittings often?

**Mr. Ken Hughes:** No.

**Mr. Paul Grice:** No, we tend to finish by 6 o'clock most evenings.

**Mr. Gilles Bisson:** The long and the short of the story is, because of your committee structure, by the time a bill gets to the House there are no big surprises.

**Mr. Paul Grice:** There shouldn't be.

**Mr. Ken Hughes:** No, that's true.

**Mr. Gilles Bisson:** So what you end up with is, you don't need as much legislative time in the House; you tend to spend more time in committee.

**Mr. Paul Grice:** I think that's a fair point, yes.

**Mr. Gilles Bisson:** That's interesting. Maybe I'd like to move to Scotland.

**Mr. Paul Grice:** You're always welcome.

**Mr. Gilles Bisson:** I've got British Commonwealth; I guess I can go. Well, you know, us French and the Scots, we did have something in common at one time.

**Mr. Paul Grice:** Absolutely. You know, you're most welcome.

**Mr. Gilles Bisson:** Just a couple of other questions—you've answered that one, answered that one, answered that one. Okay, now I've got a couple. Can you do omnibus bills in your Parliament? You're going to ask, "What the hell is that?"—right?

**Mr. Paul Grice:** Tell us a bit before I say yes or no.

**Mr. Gilles Bisson:** We have a habit in Ontario and in Canada that if a government wants to pass a number of measures, you can introduce one bill that contains essentially 50, 60, 80 other bills in it that may be unrelated.

**Mr. Paul Grice:** I think the answer is no, then.

**Mr. Gilles Bisson:** You would not do omnibus bills. That's what I figured: no omnibus bills.

Your budget process, when it comes to the government tabling its budget—I was going to ask this question, but in light of what you just told me, is the budget process somewhat in consultation with the public before the budget is actually tabled?

**Mr. Paul Grice:** I'll let Ken pick up that one.

**Mr. Ken Hughes:** No, that's slightly different. The budget process begins around September of each year and the government will publish a draft bill. It will then go to committees, and for the next three months committees will look at the spend and there'll be a remit of each component part—

**Mr. Gilles Bisson:** Excuse me, is that before the vote in the House.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** So the government essentially drafts its framework of a budget in September, what they want to achieve, and then it's referred to committee?

**Mr. Ken Hughes:** Yes, that's correct.

**Mr. Gilles Bisson:** Carry on.

**Mr. Ken Hughes:** For the next two or three months, committees will look at their particular parts of the budget. We will call in witnesses. That's when committees make the most use of advisers. They will bring an expert adviser on to do with economics or justice or health or whatever, and they will advise the committee as they scrutinize their part of the budget. That is when they will bring in lots of witnesses as well. They'll take all of their evidence, do a report, and they will report

essentially to the Finance Committee. The Finance Committee will then do their own report informed partly by the other committees' work, but the Finance Committee during that time will have the responsibility for overall scrutiny of that budget. There will be an initial vote before Christmas on that budget—

**Mr. Gilles Bisson:** In the committee or in the House?

**Mr. Ken Hughes:** In the House, but on the basis of the Finance Committee's report. It's after Christmas, the end of January, when the government bill will then be debated and voted on.

**Mr. Gilles Bisson:** Okay. You now have the government who is in possession of the Finance Committee report and it goes away and it drafts its budget. Is it the same process as everywhere else, where you essentially read the budget into the record in the House, you have a vote on the motion and then a vote on the bill?

**Mr. Ken Hughes:** Yes, it's essentially that. Between the Finance Committee debate and the government debate, the government can go away and can consider whether it wants to amend anything. The Parliament can't, but the government can come back and make amendments if it wishes.

**Mr. Gilles Bisson:** What normally happens by the time you get to the government tabling its budget? Is it fairly acrimonious as far as how the various members and parties see the decisions by the government in the budget? Or is it a little bit more consensus?

**Mr. Ken Hughes:** Not every year, but it can be acrimonious. One year when we had the minority government, the budget was actually voted down. The bill was voted down. That's, I suppose, acrimony demonstrated.

**Mr. Gilles Bisson:** But you voted it down in December or after the government introduced the bill?

**Mr. Ken Hughes:** No, voted it down after the bill was introduced.

**Mr. Gilles Bisson:** And so that caused an election?

**Mr. Ken Hughes:** No, it didn't. What it did was the government had the facility to come back again. So they did another two weeks of negotiation and came back two weeks later with another bill which got voted through.

**Mr. Paul Grice:** I think if it hadn't succeeded the second time it probably would have precipitated an election.

**Mr. Gilles Bisson:** So the interesting part is that your Parliament is essentially trying to do the will of the people in a nice way.

**Mr. Paul Grice:** I don't want to make it overly nice—

**Mr. Gilles Bisson:** No, but my point is that it sounds to me that the design of the Parliament is more in keeping with trying to build a reflection of where the public is at. That was the basic idea behind the design; that's what I'm picking up. It may not work entirely like that practically, but it sounds like the way you set up the institution is that there needs to be a proper amount of time spent in order to develop policy and/or a budget, and before a government can bring a budget or a policy matter before legislation there needs to be some discuss-

sion within the public and within legislators to be able to move something forward. Interesting.

**Mr. Ken Hughes:** Yes, and if I could just comment, as Paul says, right from the very outset, we had the luxury, if you like, of observing other Commonwealth Parliaments and European Parliaments over 100 years, before we came to write our own standing orders for the institution. All that we try to do does try to reflect the position of the Scottish people in our procedures.

**Mr. Gilles Bisson:** Okay. The convention that—the defeat of a government by want of confidence is allowed in your Parliament?

**Mr. Paul Grice:** Yes. We have very specific provisions. It actually hangs on confidence in the First Minister. We have quite specific provisions. What's distinct, certainly, from Westminster is that if the First Minister loses a vote of confidence, he must resign, but he does not have the power to call an election.

Another party, if they wish, can have a go at forming a government, and they would do that by seeking to get a First Minister nominated for appointment by Her Majesty as First Minister. Only after that process, if that process fails, is an election. So there is no power in this Parliament for a defeated government to actually call an election themselves.

**Mr. Gilles Bisson:** So could the party in power just nominate another leader?

**Mr. Paul Grice:** They could attempt do that. That is a possible scenario in those circumstances.

**Mr. Gilles Bisson:** Okay.

**Mr. Paul Grice:** It's a loss of confidence in the individual as opposed to a loss of confidence in the government as a whole.

**Mr. Gilles Bisson:** I'm going to move on to another issue, the issue of regulation: the delegation of authority from the Legislature to the cabinet. One of the things that happens here in Canada more and more so is that bills are drafted in such a way that the detail of the bill is left to regulation, which is then drafted by cabinet. There's no longer any legislative approval process once that happens. Is that the practice in the Scottish Parliament?

**Mr. Paul Grice:** I think there has been a trend towards more what we call subordinate legislation, but virtually all subordinate legislation has to go through a further parliamentary scrutiny. So whilst I think there has been a trend—not dramatic, but I would say a steady trend—towards having more detail in what you might call delegated powers—and again, Ken is more expert than me; he can go through it.

There are two broad types of secondary legislation. Both have to come back to Parliament for approval. I don't know if Ken wants to say a little bit more on the detail of that.

**Mr. Ken Hughes:** Well, it's actually quite a major industry here because on average we pass something in the region of between 300 and 400 pieces of subordinate legislation every year. So it's a heavy load, but the vast majority comes through Parliament, either on affirmative or negative procedure.

**Mr. Gilles Bisson:** So you follow that same UK model, then?

**Mr. Ken Hughes:** Yes. Roughly, yes.

**Mr. Gilles Bisson:** Is it the same or is it a variance of it?

**Mr. Ken Hughes:** There's a slight variance in the way the committee deals with it. I actually think there's more committee input here than there may be at Westminster. The committee meets weekly.

**Mr. Gilles Bisson:** Okay. If you did, let's say, 400 regulations per year, of the 400, how many of them would end up back before the House for a vote?

**Mr. Ken Hughes:** That would be determined by the procedure, usually, under which it's taken. Approximately 10% to 15% of our instruments are taken under affirmative procedure. That would go to the House for a vote. Under procedures, it has got to go to the House for a vote.

1050

**Mr. Gilles Bisson:** In all cases?

**Mr. Ken Hughes:** In all cases of that 10% to 15%—

**Mr. Gilles Bisson:** Okay, gotcha—essentially the same as the UK model, then. That explains it.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, I just want to break in for a second. Are you folks still okay taking a few questions?

**Mr. Paul Grice:** I've got another appointment at 4 o'clock my time. Would it be okay to try and wind up by then?

**Mr. Gilles Bisson:** Oh, I don't have much longer. I've got about five minutes and I'm done.

**The Chair (Mr. Garfield Dunlop):** About five more minutes?

**Mr. Gilles Bisson:** Yes.

**Mr. Paul Grice:** Absolutely fine, yes. That's absolutely fine.

**The Chair (Mr. Garfield Dunlop):** Thanks. Okay, Gilles, go ahead.

**Mr. Gilles Bisson:** Okay, so that was that. You mentioned that you had opposition days in your Parliament?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** And those are apportioned by ratio of the House?

**Mr. Ken Hughes:** No. Our standing orders have a provision that for 16 and a half days per year, opposition will get business of their own choosing.

**Mr. Paul Grice:** And the apportionment within that, in a sense—that's between the opposition parties. So in the current set-up, the Labour Party, as by far the biggest opposition party, gets the lion's share of those; the Conservatives get a bit, and the Liberal Democrats and the Greens.

**Mr. Gilles Bisson:** I guess my question is, are all your votes done at a particular time or are they done directly after the opposition day motion or the bill itself?

**Mr. Paul Grice:** Most votes are done—we have a decision time at 5 o'clock each day for all votes apart from legislation, which is done on running votes.

**Mr. Gilles Bisson:** Run that by us again? You broke up.

**Mr. Paul Grice:** Yes, sorry. We have a decision time every day at 5 o'clock, so all motions and procedural bills would be disposed of then. The exception is when legislation is being considered by Parliament, in which case business is disposed of as it comes.

There are one or two specific exceptions which Ken could probably pick up for you, one or two particular procedures, but broadly speaking, normal motions etc. would all be taken at 5 o'clock. If you were dealing with what we call a stage 3 of a bill, where the Parliament is going to the final consideration of amendments, they're taken at the end of each grouping of amendments.

**Mr. Gilles Bisson:** And the last question: Do you use time allocation?

**Mr. Paul Grice:** Yes.

**Mr. Ken Hughes:** Yes.

**Mr. Gilles Bisson:** And your time allocation process: Can you explain it to us somewhat?

**Mr. Paul Grice:** Yes. The bureau will propose a length of time for a debate, two or three hours or whatever it happens to be, and then technically it's entirely within the gift of the presiding officer who she allocates time to.

In practice, as clerks, we produce some guidelines which give parties an idea of the length of opening speaker and, depending on the length of speeches chosen—and typically, they're around six minutes—how many speakers they will get. The presiding officer will use those guidelines just to help manage the debate. But the presiding officer decides who to call and when. We try to work with the parties so that they've got a pretty good idea about who's going to be called down when—of course, always preserving the presiding officer's right to make adjustments as she sees fit.

**Mr. Gilles Bisson:** Did I hear you correctly—six minutes per speech?

**Mr. Paul Grice:** Yes.

**Mr. Gilles Bisson:** We can't even warm up in that time.

Let me understand it. How you do this is a foreign system to me, and I don't mean that in a provocative way. The bureau—what do they call it, the Parliamentary Bureau—decides how long a bill is going to be at each stage of the process, including committee?

**Mr. Paul Grice:** Yes, it does. The actual committee bit is always subject to negotiation with the committee, and in my experience, the bureau will almost always agree to, for example, extend—

**Mr. Gilles Bisson:** So this is more of a programming motion than time allocation.

**Mr. Paul Grice:** Yes. I hope I've not confused you but, yes, it is a kind of program motion for legislation.

**Mr. Ken Hughes:** Bills are programmed, but the debates are timed and far more likely to be laid down in a motion to say they'll start at half past 2 and finish at 5, say.

**Mr. Paul Grice:** So within that—that's a typical example Ken has given you. Say we have two and a half hours, and the motion is, the government will table a motion commanding itself on its law-and-order policy and it's two and a half hours. Then the job of the presiding officer, obviously with support from ourselves, is to manage that debate. But we have an absolutely well-established tradition that speeches are quite short.

Now, the opening speakers, the front-benchers, and the closing speakers will get longer than that; they could get up to 15 or even 20 minutes for a long debate. But the backbenchers, if you like, speaking in the middle of that, will typically get six minutes. If it's a committee report which has been brought before Parliament, because committees also get an allocation of time before the full House, the convener will get a larger slot equivalent to, say, a minister opening.

So that's how all that works, but it's quite structured, and we don't have this tradition of members standing up and speaking for as long as the mood takes them. It's more regimented than that.

**Mr. Gilles Bisson:** So you don't particularly have time allocation. What you have is a programming motion that goes through this process.

**Mr. Paul Grice:** No. Bills do; bills are subject to a strict program motion.

**Mr. Gilles Bisson:** Okay. Thank you.

**The Chair (Mr. Garfield Dunlop):** Okay. Gilles, thanks so much.

Gentlemen, thank you very much for taking so much time this morning. We really appreciate it.

**Mr. Paul Grice:** I hope that—can I—

**The Chair (Mr. Garfield Dunlop):** And we want to—can you hear me okay?

**Mr. Paul Grice:** It has been a pleasure to speak to you, and if there are any detailed questions, by all means, please ask the clerk to write to us and we'd be very happy to supply you with any further information. Or if any of our answers weren't particularly clear and you want to follow them up with anything in writing, we'd be very pleased to try to help.

**The Chair (Mr. Garfield Dunlop):** Thank you all so much. Have a wonderful summer, and we look forward to receiving your comments and considering them.

Thank you so much and have a great day.

**Mr. Ken Hughes:** Thank you. You too.

**Mr. Paul Grice:** Thank you very much indeed. Goodbye.

**The Chair (Mr. Garfield Dunlop):** Bye. Thanks.

Did everybody get most of their questions in?

**Mr. Gilles Bisson:** No, I would have liked more time.

**The Chair (Mr. Garfield Dunlop):** I didn't realize—I thought it went until noon too. I thought an hour and a half—

**The Clerk of the Committee (Mr. Trevor Day):** He's the Clerk of the House of Scotland. I could only get him for an hour.

**The Chair (Mr. Garfield Dunlop):** Okay, so would you like to take a break for a few minutes?

*Interjections.*

**The Chair (Mr. Garfield Dunlop):** Go ahead, Gilles.

**Mr. Gilles Bisson:** The idea of today and tomorrow was that we start having a bit of a discussion amongst the committee about what it is that we think are the things that we can agree on, as far as starting to formulate our thoughts about what we want to recommend to the House in regard to standing order changes. I'm just wondering—I see Mr. Leal is not here, I see Ms. MacLeod is not here. I know I'm not supposed to mention people not being here but my point is, they're the key people—

**Ms. Tracy MacCharles:** I got in trouble for that last week.

**Mr. Gilles Bisson:** But my point is that we need to have—is he coming back?

**Mr. Bas Balkissoon:** Who?

**Mr. Gilles Bisson:** Your whip.

**The Chair (Mr. Garfield Dunlop):** Mr. Leal?

**Mr. Bas Balkissoon:** Yes, Jeff is just away for this meeting.

**Mr. Gilles Bisson:** For today. But he'll be here tomorrow?

**Mr. Bas Balkissoon:** I don't believe so, no. He's away on vacation.

**The Chair (Mr. Garfield Dunlop):** If I may, Mr. Bisson, let me go back to what happened last week. We couldn't get a hold of the Australian Parliament to take part in this so I thought we could fill today up on, first of all, the Scottish Parliament, getting that out of the way. Then, second of all, having a conversation on where we're going from here. I didn't think we could fill two days up, so I sent an email out saying we'll cancel the meeting—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** To both your staff and to the members. So that's why we cancelled the meeting. I think that's in my authority to do so?

**Mr. Bas Balkissoon:** Yes.

**The Chair (Mr. Garfield Dunlop):** So right now, we planned on just sitting today and having a discussion, and report writing would follow after our meetings in Ottawa. That was my intention.

**Mr. Gilles Bisson:** I just checked with Kevin, who works in my office. We did not get that email.

**The Chair (Mr. Garfield Dunlop):** Okay—

**Mr. Bas Balkissoon:** Oh, I did.

**Mr. Gilles Bisson:** That very well could be, Mr. Balkissoon, but the point I'm trying to make here, Chair, is there was a discussion—and I made the point at the end of the last meeting—that the purpose of these next two days was to be able to discuss what it is that we think we can agree on as far as a recommendation. There was never any understanding from my part that we were only going to do hearings; we were actually going to start getting into the substantive part of this. I think we need to proceed with that and take the time necessary with whoever's going to be here to start having these discussions. This committee, after this month of July, can't sit anymore. Then we need a motion of the House in order to re-

convene committees again. What was the point of all of the work of this committee over the last number of months, if we're all just going to go home for the summer?

**The Chair (Mr. Garfield Dunlop):** I think the plan is to have meetings in Ottawa.

**Mr. Bas Balkissoon:** Chair, I asked the clerk that earlier today because I think it was discussed, but I don't think it was agreed.

**The Chair (Mr. Garfield Dunlop):** No, there may not be agreement but there was a discussion to have something. Let's get this all clarified so we know exactly where we're going from here.

**Mr. Bas Balkissoon:** Because this morning, I had a little bit of concern that we cancelled tomorrow and we haven't scheduled the folks from Ottawa. Why don't we do it by teleconference? Because the majority of my members don't go to AMO, we have no reason for being in Ottawa.

1100

**The Chair (Mr. Garfield Dunlop):** Okay. We discussed that with Jeff one day and we thought there would be. We can work around whatever we have to do here.

**Mr. Gilles Bisson:** Sorry, I was looking at—they sent it to an email that doesn't exist anymore for about five years, so that was why I never got it. People should know—and I just say to the clerks—you communicate through my office and that's the guy right there. You know who he is. Anyway, that's a whole other thing.

Did I hear you right, Mr. Balkissoon, that you're not going to give your consent for us to go to Ottawa? Is that what I heard?

**Mr. Bas Balkissoon:** Because we cancelled tomorrow and the only person we want from Ottawa is the Clerk of the Senate, and there's some suggestion of members, but we don't know which members, I'm wondering—personally, for me, and my other colleagues, Laura, myself—we don't go to AMO because Toronto is not a member of AMO. Travelling to Ottawa for us, booking rooms, everything else—I see it as a waste of public money when we could deal with it by teleconference and get it over with and schedule it before the end of the time frame given us by the House.

I went back and asked Trevor to provide me with the subcommittee meeting. I am the member of the subcommittee. Jeff filled in for me because I was out of the country. Clearly there's no agreement to travel to Ottawa. I heard Ms. MacLeod mention that at the last meeting and I started thinking we're going to Ottawa, we're going to Ottawa. I'm going to myself, "Okay, I'm going to Ottawa to do one deputant and come back, probably two"—

**The Chair (Mr. Garfield Dunlop):** I'm sorry; if I may, I thought there was going to be probably tours of the Parliament and everything else, plus the meeting.

**Mr. Bas Balkissoon:** Yes. But still, that's like a two-hour meeting and then—

**The Chair (Mr. Garfield Dunlop):** Okay, well look, I mean—

**Mr. Bas Balkissoon:** To me, we can do that from right here.

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Yes, Gilles.

**Mr. Gilles Bisson:** Almost every time that this committee was scheduled to meet in the spring session we had a 12 o'clock meeting. At that 12 o'clock meeting there was ample discussion in regards to what was going to happen and the idea was that we would do some hearings with specific people we wanted to hear from during the summer, which we just finished, and then there would be a discussion amongst the committee to do what it is that we're needing to do when it comes to recommendations, number one.

The second thing we talked about there and we also talked about at subcommittee, and in fact spoke about it at this committee—and the reason I put it on the record is to make sure that everybody understood that the idea of Ottawa was to meet with a number of people in Ottawa, yes, but also for this committee to have some time to have a bit of a sit-down, because of the way we're constrained with time, to start talking about what it is that we want to recommend. Ottawa is not just about us travelling off on some junket to some far place in the world called Ottawa and living in some high-swankin' hotel called the Travelodge or wherever the hell it is that we might be staying; it was for this committee to have some time to do its work.

We have spent the better part of three months meeting as a committee, hearing deputants, discussing amongst ourselves, having research do a bunch of work. The idea was that each caucus was then to go away, think about the things that we can agree on, and then this committee, today and tomorrow and in Ottawa, would start making some final decisions about what it is that we can agree on, what are those things that need further work and what are those things that there's just no agreement on, so that we're in a position to report back to the House something that will be the basis of what will be the next step towards possible rule changes.

I would ask Mr. Balkissoon to (a) reconsider that in fact we do take some time to go to Ottawa to do what has to be done and, two, that this committee should be sitting today and tomorrow in order to do what it was asked to do.

**Mr. Bas Balkissoon:** Chair, just for clarification: Mr. Bisson has said he has mentioned these things but I don't think the subcommittee has agreed and I don't think the committee has agreed. I know Ms. MacLeod has said the same thing. My discussion with Mr. Leal was that it was a discussion but there was never agreement.

The thing is, I know, yes, at the very beginning, where you chaired the subcommittee, we agreed that the Clerk from the Senate would be one of our deputants, if we could arrange it. We agreed on Australia, if we could arrange it, but I believe the clerks have been having trouble with the time zone. We've never really pursued the Clerk of the Senate either coming here in person or

doing it by teleconference because we never really got to those logistical details.

I received the email that you cancelled the meeting because we couldn't get the other person on teleconference today. I'm just saying, to take the whole committee to Ottawa for two, probably maybe more if possible, I'm not sure—looking at it, generally I would say in these tough times that could be looked upon as being money wasted when we could do it right here. If you wish to schedule another meeting, I'd be happy to be here. Personally for me, going to Ottawa for an hour or two, I see it, as my colleagues, as problematic because we don't go to AMO. I know you were trying to coincide it with AMO because that's what Ms. MacLeod mentioned.

**The Chair (Mr. Garfield Dunlop):** Well, I think it was only that—it was also that in the subcommittee, when we met, it was very difficult to find days in the summer. Ms. MacLeod is off to Nova Scotia, I believe, or something like that after this. Jeff Leal had a summer vacation planned. I apologize if we don't have enough to do today and tomorrow, but I thought that we would try to fill up today and discuss just exactly what Gilles was referring to, and we can schedule something later on, but we're going to probably have a subcommittee meeting to do that.

**Mr. Bas Balkissoon:** I'm happy to stay the rest of the day and discuss whatever Mr. Bisson has.

**Mr. Gilles Bisson:** It's not what Mr. Bisson has; it's what this committee has to say.

Just a couple of things very quickly: One, this whole matter was dealt with by the House leaders. The reason we put it into the programming motion was to give this committee the ability to travel to Ottawa to do what it is that we had to do, so you can't say this was a complete surprise and you didn't know anything about it. You should talk to your government House leader; you should talk to your whip. It was discussed there.

You don't want to travel to Ottawa? First of all, I just think it's silly when legislators make an argument that, "Oh, it's a waste of money for members to travel." Give me a break. The private sector travels. Everybody travels for reasons of business. Travelling is not something that is a wanton waste of money; it's a question of interacting with other people in order to better do our jobs. That's what this is all about, so I don't accept the premise. But I take it what you're saying is—this is my direct question to you—you will not allow, as a subcommittee member, the committee to travel to Ottawa. Am I correct?

**Mr. Bas Balkissoon:** I'm not saying that it's not allowed. It does not make logical sense to me.

**Mr. Gilles Bisson:** No, no, that's not what I'm asking—

**Mr. Bas Balkissoon:** Mr. Chair, right from the very beginning we have talked about this and we've talked about—

**Mr. Gilles Bisson:** No, no, Mr. Balkissoon, I don't want to have a long, protracted debate—

**The Chair (Mr. Garfield Dunlop):** Okay, hold on a second.

**Mr. Gilles Bisson:** Mr. Balkissoon, I don't want a long, protracted debate. All I'm asking is, as a committee member—because I understand what the programming motion says—will you allow, yes or no, the committee to travel to Ottawa in August?

**Mr. Bas Balkissoon:** Mr. Bisson, I totally object to the way you're putting the question.

**Mr. Gilles Bisson:** Well, I'm just asking the question. The programming motion says that the committee will travel if there's an agreement of the subcommittee. We're agreed on this side. You're not. I just need to know if you're yes or no.

**Mr. Bas Balkissoon:** If there's agreement of the subcommittee. My understanding is that the committee met on June 28 and there was no agreement. If there is another subcommittee meeting, we will discuss that when we get there. I would say to you at this present time—

**The Chair (Mr. Garfield Dunlop):** Guys, hold on a sec. Let me read into the record what was agreed to, okay? I'll get this out of the way right now.

"Standing Committee on the Legislative Assembly: for the purpose of its review of the standing orders, on up to four days during June/July, on dates established by the committee; and that for the purpose of its review of the standing orders the committee is further authorized to adjourn from place to place as unanimously agreed to by its subcommittee on committee business."

We can go further than the four days and up until the end of July. We're authorized to do that, although we haven't picked out the exact dates for the subcommittee and the only place we're thinking about now is Ottawa. Everything else is off the record, off the—we're not travelling anywhere else. If we do go, we'd have to plan the exact dates in Ottawa. I understand what you're getting at.

**Mr. Bas Balkissoon:** Mr. Chair, we discussed that at the very first meeting, and the issue was having the Parliaments in session so that the visit would be worthwhile. At the current time, we're in recess and Ottawa is in recess. We had the same problem when members raised the issue that they would have liked to visit Westminster. It was the same problem. It seems as though our opinion is different than my friend across the other way—

**The Chair (Mr. Garfield Dunlop):** Okay, and I think our members, Mr. Clark and Ms. MacLeod, felt that they'd like to go to Ottawa at the time of AMO. It was a fairly open discussion on that. Now—

**Mr. Bas Balkissoon:** But it was not agreed. That's my point.

**The Chair (Mr. Garfield Dunlop):** No, I understand, but legally it can be done with a subcommittee phone call or a meeting of the subcommittee. We could agree to do that and we could be legally able to do that.

We'll call that subcommittee meeting, but who will be the contact? Will it be yourself?

**Mr. Bas Balkissoon:** Well, I'm the member of the subcommittee. Mr. Leal filled in for me on the 28th because I was missing. I was out of the country.

**The Chair (Mr. Garfield Dunlop):** So we will have a subcommittee meeting, but for the remainder of the day, would you like to review what we've done today and sort of get some points—

*Interjection.*

**Mr. Gilles Bisson:** Can we take a break and come back here about 1 o'clock?

**The Clerk of the Committee (Mr. Trevor Day):** Let's recess until then.

**Mr. Gilles Bisson:** Let's recess until 1 o'clock and we can have a little bit of a discussion.

**The Chair (Mr. Garfield Dunlop):** Okay. I think it's probably a good thing. We'll recess until 1 o'clock.

*The committee recessed from 1111 to 1304.*

**The Chair (Mr. Garfield Dunlop):** We'll call the meeting back to order. Thanks, everybody. Welcome, Kevin.

We've arranged, at this point, for a subcommittee conference call at 2 o'clock. I'm not sure what we can discuss up until that point that we haven't already discussed this morning.

Gilles.

**Mr. Gilles Bisson:** I just heard Mr. Balkissoon say maybe we should adjourn and just deal with the subcommittee. I don't mind doing that as long as we're clear that the understanding is we are going to meet in August at some point for two days.

**Mr. Bas Balkissoon:** In my view, Mr. Chair, I think the way the order was written, it allows us to—it only specifies the June and July time frame for logistics' sake, but I don't have a problem in August if we could try to find a common date.

**The Chair (Mr. Garfield Dunlop):** All right. Gilles.

**Mr. Gilles Bisson:** I just want to be very clear: I don't mind adjourning the committee now if we know that in fact you're going to agree, along with us and the Tories, to two days in August so that we're going to get our two days.

**Mr. Bas Balkissoon:** Well, do we have two days left? I thought it was a day and a half.

**Mr. Gilles Bisson:** Well, a day and a half.

**Mr. Bas Balkissoon:** Okay.

**Mr. Gilles Bisson:** Two days.

**Mr. Bas Balkissoon:** I don't have a problem with that.

**Mr. Gilles Bisson:** Just for the sake of making sure nothing goes awry, can I suggest what we do is we can adjourn the committee until 2 with the understanding that members don't have to come back unless they want to, in case, for some strange reason, things go awry.

**Mr. Bas Balkissoon:** I'm giving you my word. I just said we will come back in August for two days. I don't want to hold up my colleagues here.

**The Chair (Mr. Garfield Dunlop):** Okay. So we're recessing until—

**The Clerk of the Committee (Mr. Trevor Day):** Either we're adjourning or we're recessing until later today.

**The Chair (Mr. Garfield Dunlop):** We definitely have a conference call planned for 2 o'clock.

**Mr. Gilles Bisson:** And we're going to do it here, I take it?

**The Chair (Mr. Garfield Dunlop):** Right here, yes.

**Mr. Gilles Bisson:** And we've agreed that we're going to meet for two days in August; we just have to work out the days of the subcommittee meeting?

**The Chair (Mr. Garfield Dunlop):** Right.

**Mr. Gilles Bisson:** That is what you're saying, Mr. Balkissoon?

**Mr. Bas Balkissoon:** And it would have to be after some of us come back from NCSL, because there are members that are attending.

**Mr. Gilles Bisson:** You're going to waste taxpayers' money and go—we're not going; the NDP has decided we're not going.

**The Chair (Mr. Garfield Dunlop):** Let's not go there today, guys.

If that's the case, can we recess the—

**The Clerk of the Committee (Mr. Trevor Day):** Just adjourn.

**The Chair (Mr. Garfield Dunlop):** Can we adjourn the committee now—

**Mr. Gilles Bisson:** No, but I want to be very clear, for the record: We're going to adjourn the committee now,

we're going to have a subcommittee meeting, but it's an understanding that there will be two days of hearings sometime between now and the end of August—

**Mr. Bas Balkissoon:** Hearings and report writing.

**Mr. Gilles Bisson:** Yes, the report writing—

**Mr. Bas Balkissoon:** Because the hearing is only one person or two, maximum.

**Mr. Gilles Bisson:** Yes, and the report writing, for a period of two days in August, before the end of August sometime—it's just a matter of working out the dates?

**Mr. Bas Balkissoon:** Yes.

**Mr. Gilles Bisson:** That's what you're agreeing to?

**Mr. Bas Balkissoon:** Absolutely. That's what I'm committing to.

**Mr. Gilles Bisson:** I heard "absolutely agreed."

**Mr. Bas Balkissoon:** I agree to you.

**Mr. Gilles Bisson:** And that's on the record: absolutely agreed, Mr. Balkissoon.

**The Chair (Mr. Garfield Dunlop):** Okay, we got that, everybody? All right then. We're going to adjourn this meeting, and the subcommittee will meet back here at 2 o'clock.

Thank you very much, everyone, for your inconvenience today. Thanks, Kevin, for showing up. Meeting's adjourned until 2 o'clock.

*The committee adjourned at 1307.*





## **CONTENTS**

Tuesday 24 July 2012

Standing orders review .....	M-267
Mr. Paul Grice; Mr. Ken Hughes .....	M-267

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

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M-17



M-17

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## Assemblée législative de l'Ontario

Première session, 40<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 29 August 2012

# Journal des débats (Hansard)

Mercredi 29 août 2012

## Standing Committee on the Legislative Assembly

Standing orders review

## Comité permanent de l'Assemblée législative

Examen du Règlement



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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 29 August 2012

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 29 août 2012

*The committee met at 1230 in committee room 1.*

## STANDING ORDERS REVIEW

**The Vice-Chair (Ms. Lisa MacLeod):** Welcome to the committee, ladies and gentlemen. It's wonderful to see you after a nice summer break, a nice summer holiday. We're back a bit early, and that has impacted our regularly scheduled committee meetings over the next two days that we were to have, in order to move forward with some of the fact-finding, research and presentations that we received over the course of the summer.

Today we'll be talking about the consideration of committee recommendations. Given that this is a committee by consensus, I think it would behoove us to make a decision on how we would like to proceed. I know that in the absence of our colleague Mr. Bisson—he will be late—he did have some suggestions I'd like to convey. He thinks that we should have a consensus today on things that we may want to move forward with on a provisional basis, and that's how we could start. That's his suggestion.

At this point in time, I'd like to ask members of the committee if they have any suggestions on how to proceed. Mr. Balkissoon.

**Mr. Bas Balkissoon:** I think we agreed generally, amongst all of us, to give the Speaker the privilege of dealing with the accessibility issue. I believe all my colleagues and myself continue to support that position.

The other item that is probably worth looking at, but I don't think we can make a decision on, is Mr. Clark's issue on proclamations. I think it has some validity to it, but if I can raise an issue so Mr. Clark understands: For myself, living in an urban centre and belonging to the city of Toronto in my previous life, a mayor's proclamation is adopted now. Previously, it used to be council's proclamation. We had an issue with two countries that had been at war with each other. Each wanted to raise their flag at city hall at one time, and one was recognized by the UN and one wasn't.

To deal with the issue of proclamation, just saying that we can have it outside the legislative chamber, I started to think about where you can put yourselves in trouble, because you can always think about when you can do it, and it makes sense, and it can speed it up, but I was more concerned about that.

I would say to you, sitting on the committee to review prayer in the Legislature, I received 15,000 emails that I

had to go through. The public out there has varying opinions as to what you would do with a particular issue.

I don't know if we could take proclamations and say, "It's something we should look at in the future or set up a process to look at it and see if we can come back with a template at a future date," but I'd say right now, I have hesitation to move forward on that one. Maybe my colleagues want to pipe in.

**The Vice-Chair (Ms. Lisa MacLeod):** So we have agreement on accessibility, moving on that. I would maybe suggest to our staff here that we look at things on an immediate basis and on a longer-term study, so that we're not exactly deferring it but it's not something that we'll recommend immediately for provisional. We should have two columns, I think. Accessibility is one issue; proclamations is something we want further study on.

Mr. Leal.

**Mr. Bas Balkissoon:** "Continue dialogue," or something. But I'd love to hear from Steve.

**Mr. Steve Clark:** No, I agree—

**The Vice-Chair (Ms. Lisa MacLeod):** One moment, though. I have already recognized Mr. Leal. Sorry.

**Mr. Steve Clark:** Sorry; my apologies.

**Mr. Jeff Leal:** Well, thank you, Mr. Chair.

**The Vice-Chair (Ms. Lisa MacLeod):** I'm not a "mister" yet.

**Mr. Jeff Leal:** Sorry, Madam Chair. It's Wednesday, right, and I'm from Peterborough.

**The Vice-Chair (Ms. Lisa MacLeod):** Next deputant?

**Mr. Jeff Leal:** Exactly. Madam Chair, you just hit the trap door and I fell through it. Very good.

**The Vice-Chair (Ms. Lisa MacLeod):** You opened it yourself, dear. Yes, Mr. Leal?

**Mr. Jeff Leal:** I'll withdraw the first one and go back to "Madam Chair." How's that?

**The Vice-Chair (Ms. Lisa MacLeod):** Sounds great.

**Mr. Jeff Leal:** Mr. Balkissoon raises a very good point. I remember having a discussion with Jim Bradley when he was Minister of Transportation, and it was about personalized plates. The issue, I remember—there was scrutiny of what would be appropriate and not be appropriate. I think there was a request for personalized plates that would say "JIHAD" on the personalized plate. Of course, having that on a personal plate has connotations for a whole number of people. So, just to follow up on

what Mr. Balkissoon said, in terms of proclamation, I think we have to look at that kind of point carefully from a sensitivity perspective.

**The Vice-Chair (Ms. Lisa MacLeod):** Okay. Mr. Clark?

**Mr. Steve Clark:** I agree that we should take a look at the whole proclamation issue in a more detailed way. I appreciate that the Clerk isn't here. I'd be interested, especially with what happened at the flag-raising previously—I would certainly like to hear if she has any recommendations on not just proclamations but the whole flag-raising approval, because of some of the issues that took place earlier this month. I would be more than happy to defer to her and hear some of her comments.

**Mr. Jeff Leal:** Steve, what happened earlier this month? I'm not familiar with your issues.

**Mr. Steve Clark:** Well, the day out here, the protest, the issue about the Sergeant-at-Arms approving the group to do their little demonstration.

**Mr. Jeff Leal:** Okay.

**Mr. Steve Clark:** I would love to hear a commentary from the Clerk on behalf of the legislative officers, and not just on proclamations but that issue as well, because it was out of our hands in terms of approving that group; it was in the Sergeant-at-Arms' hands. I think it would be appropriate, since we're asking for a report on that anyway, that she address, either in that report or under separate cover, any recommendations on that type of approval process.

**The Clerk of the Committee (Mr. Trevor Day):** Just to clarify, that's with scheduled demonstrations on the south grounds.

**Mr. Steve Clark:** Yes, I used the word "flag-raising" because flags were there. What I meant was the whole issue of demonstrations.

**Mrs. Laura Albanese:** Just to clarify, you're asking for clarification on demonstrations, let's say, on the premises or the use of the precinct?

**Mr. Steve Clark:** I'm asking for some detail about advance authorizations for demonstrations in the precinct.

**Mrs. Laura Albanese:** Including flag-raising?

**Mr. Steve Clark:** Well, again, I'll leave it open to the Clerk. I used that terminology. It probably was not the right one to use. So to clarify, approval to demonstrate and hold an event on the grounds, in addition to her comments about proclamations. I'm not going to put words in her mouth, because she's not here, but I think she would probably want to separate those two.

**Mrs. Laura Albanese:** I was just curious if it included flag-raising, or if those were set aside.

**Mr. Bas Balkissoon:** It could.

**Mrs. Laura Albanese:** It could, because they are an event—

**Mr. Bas Balkissoon:** And maybe it should.

**Mrs. Laura Albanese:** Maybe it should, yes. Any flag-raising is an event that is held on the grounds of the precinct.

**Mr. Steve Clark:** I agree. Let's talk to her when she's back and get something in writing.

**The Chair (Mr. Garfield Dunlop):** Okay. Lisa, did you have anything to add to that?

**Ms. Lisa MacLeod:** Well, in terms of the process, I think there are some issues we want to look at in terms of provisional adoption, and I think that's what we're talking about. Then, the other issue, just before you arrived, is that we were talking about having a longer discussion on some other issues.

We decided that immediately we would like to action the accessibility issue. In the longer term we'd like to continue the discussion on proclamations. You know, when I spoke with Mr. Bisson before the committee—I'll let him speak for himself when he arrives. But for the benefit of shaping the discussion of where we want to go—I think we have to make this decision—is talking about where we actually do have consensus we can make some change relatively quickly, given the time constraints we've got. I would encourage members, at this point in time, to start talking about things where we might want to see some movement in terms of how this place operates on a day-to-day basis.

**The Chair (Mr. Garfield Dunlop):** Okay. To Jeff now.

**Mr. Jeff Leal:** Thanks, Chair. The thing that I think naturally follows along from what we've just discussed is when we do tributes to deceased members. I think this is a logical progression here. Often, as I said, we do the tribute for deceased members, and members of the family travel near and far to be here at Queen's Park, and they're here at the time of the day when the chamber is virtually empty, which I think is not particularly respectful in the light of an individual, he or she, who obviously made a wonderful and outstanding contribution to political life in the province of Ontario, from all sides of the House. I think a part and parcel of what we'll look at is what would be a more appropriate timing, when all members would be in the House when we pay tribute to a deceased member.

1240

**Ms. Lisa MacLeod:** Just to that end, Chair, if it is possible for us to—I would like it on a long-term basis but even on a provisional basis—reconnect question period with routine proceedings, I think that would go a long way in assisting with making sure there are members in the House for tributes and ministerial statements and members' statements. My proposal would be to move that back on to an afternoon basis, but that's something I'd really like the committee to entertain at this point.

**The Chair (Mr. Garfield Dunlop):** I think we've had a fairly good discussion on that, and that certainly was part of the thoughts, I believe, of the Clerk as well.

**The Clerk of the Committee (Mr. Trevor Day):** If I could just jump in, I guess we had a couple of schedules laid out, sort of potential schedules—

**Mr. Bas Balkissoon:** Yes, but I think they all had challenges. If we adopt a friendly atmosphere—

**The Clerk of the Committee (Mr. Trevor Day):** — number 2 is determining, is there anything in those that we have now or a suggested one that the committee would like to—and these are all just suggestions to the House in the report, but suggest that the House might take a look at on a provisional basis?

**Mr. Bas Balkissoon:** Just to mention again, Mr. Chair, I think when we discussed the schedules, the Monday morning late arrival was a challenge if you were going to move everything back, and private members' bills on Thursday afternoon became a challenge if you were going to move everything back.

If you really look at the current schedule, it works. It's just that this one issue might function better if they were together, but I think there are alternatives in dealing with the tributes to former members. Because, if you listen to the Clerk, this is the one Legislature that meets more often than any other Legislature in the country. Maybe what we need to do is—because, how many of these tributes do we really have per year? Four or five, maximum?

I would say to you that we could probably look, on a particular day of a tribute, that we shorten question period and we do the tribute because we want to show respect, and it could be planned in advance. I know the opposition wants to ask their questions, but if you have adequate notice that this is going to be happening, then we should be able to accommodate it. But every one of the schedules that was in front of us as a variable to what we have right now had major challenges to it: to end the House at 6, to have the Monday morning late start and to really deal with Thursday afternoon, because, to be honest with you, I find Thursday afternoons unfair to members from the Toronto and GTA, because we end up always being on record voting on private members' bills, and those who live outside the GTA, except maybe in the third party here, never vote on some of these bills. And they become problematic, because in some regions the media holds that against you; in some regions they don't; and in some regions, members of the community hold that against you. The general public really don't have a true understanding of our schedules.

**Ms. Lisa MacLeod:** Just to point out, and I'm going to defend you on this point, because being an out-of-town member, sometimes it's really important to be home on Thursday night but the schedule doesn't permit you to be there to stand up and vote for an initiative that you think is worthy. I think it also speaks to the fact that not a lot of people are here on Thursday afternoon because it's not considered whipped voting, so I think that's an issue.

What I might suggest here is that we revisit this issue. I think there's a genuine concern here. Perhaps we should move this up the line to House leaders and have the House leaders look at this. Maybe that should be our recommendation.

**The Chair (Mr. Garfield Dunlop):** Lisa, before we go too far in this meeting, I wanted to ask the clerk: What do you see as our time frame right now, as we go through it at this point? I'm trying to tie it into the programming motion.

**Mr. Bas Balkissoon:** Oh, the motion—

**The Clerk of the Committee (Mr. Trevor Day):** The current membership of this committee will lapse, unless something changes, the day before the beginning of the fall sitting period. The fall sitting period will begin September 10, I believe, so this current membership—now, that's not to say that it can't be possibly extended, that the same membership might not come back, but that's what we know right now from that motion.

**Ms. Lisa MacLeod:** What I've been told today is that our House leaders have met and that they're considering some sort of a move that would allow us all to continue to go forward—

**Mr. Bas Balkissoon:** Till January.

**Ms. Lisa MacLeod:** Until January?

**Mr. Bas Balkissoon:** I don't know. I'm asking. It's got to be at least for one session.

**Ms. Lisa MacLeod:** In terms of the programming motion.

**The Clerk of the Committee (Mr. Trevor Day):** It was an order of the House that set up the membership; an order of the House can amend it as well.

**Ms. Lisa MacLeod:** All right.

**The Chair (Mr. Garfield Dunlop):** So does that mean that we just have today and next Wednesday to do this unless the House leaders change that?

**The Clerk of the Committee (Mr. Trevor Day):** The work before the committee will remain before the committee. The committee itself will still be in existence. The membership will be removed and it will be open for new membership.

**Mr. Bas Balkissoon:** But did we have a deadline to report from this particular review?

**The Clerk of the Committee (Mr. Trevor Day):** No. What did come about is that it states in that motion that this committee, aside from the assigning of ministries that we did early on in this committee, would not undertake any other task until it completed a report. Again, on the day before September 10, that too will lapse, and that too is open to be amended by the House.

**The Chair (Mr. Garfield Dunlop):** Okay. I just wanted some clarity on that.

Lisa, you're saying that your understanding was that the House leaders were meeting to discuss it?

**Ms. Lisa MacLeod:** Yes. There are lots of negotiations going on, and maybe we should get some clarification on what our timeline is to produce a report. I'm going to be very honest: I do not think we're going to complete a report worthy of all of our collective activities in the next two weeks, I'm not quite sure we're going to get the consensus we need on some of these initiatives until perhaps the subcommittee meets and we know what the parameters are on some initiatives—what's a "go" and what's a "no-go." I really think that has to be part of this conversation.

I'm interested in hearing what my colleagues have to say, but I would like to produce a good report that, even if the House doesn't follow everything in it, in 20 years when the next committee goes through this, our report

will be as valuable as some of the other reports that we've studied. So I think we really have to put some thought into having a value-added report and, at the same time, we have to put some thought into actually producing something that the House can action. We're going to need consensus on that.

**The Chair (Mr. Garfield Dunlop):** Okay. Anybody else have any—yes, Bas?

**Mr. Bas Balkissoon:** I think on this side, we have no objection to taking the schedule in the House and referring it to the House leaders.

**The Chair (Mr. Garfield Dunlop):** Okay. So is that one thing we can agree on, then, or how do we feel about that? Steve?

**Mr. Steve Clark:** I think, just to back up what my colleague Ms. MacLeod said, we should make sure that those two schedules for the House be submitted the way they were presented to the House leaders. I certainly would favour, on a provisional basis, trying maybe both of them for a short period of time to see what they were like. I think it would be sad, after all the discussions that we've had, that we don't at least try—maybe not on a permanent basis but, using Ms. MacLeod's words, on a provisional basis—to shake things up. Not every member has served in this Legislature under that former schedule that I guess pretty well everybody in this room, other than Mr. Schein and I, served under before the last change was made. I think that there are two schedules that I certainly am not opposed to trying, but I would like to get a feeling from the House leaders.

The one point I would like to comment on that just took place a few moments ago was Mr. Balkissoon talking about question period being shortened for a former member's tribute, and I certainly don't favour that. I wouldn't want to reduce question period time for a tribute. I think we can accommodate the tribute certainly under routine proceedings, and again I think both provisional models include that being moved ahead of question period. I know he mentioned that, and I didn't want it to go past without providing my own personal comment.

1250

**Mr. Bas Balkissoon:** Three or four times per year, it shouldn't be a big issue.

**The Chair (Mr. Garfield Dunlop):** Okay. We've got a few questions here. Now I think everyone—Jeff and then Donna and then Laura.

**The Clerk of the Committee (Mr. Trevor Day):** Just briefly, what Mr. Clark is referring to is on tab 33 in your binders, the options that are—

**Mr. Jeff Leal:** Our process of doing some of our analysis got slowed down a bit. My right-hand person, Carol Price, who was assisting me on our side going through it, of course, has retired and then left on some well-deserved vacation with her retired husband, and Mr. Johnson now has moved into Carol Price's position. So we're trying to get Rick briefed up and asking him to do some analysis. I'm trying to reach Carol when she comes back from her well-deserved vacation because she did a

tremendous amount of work in this area, and when she comes back, I'm going to grab her deliberations, and we're trying to get Mr. Johnson up to speed. We're a bit tardy to where I think we should be, but it was just because, unexpectedly, Carol Price—

**Ms. Lisa MacLeod:** Well, these things happen. There's no need to apologize.

**Mr. Jeff Leal:** Yes; and, unexpectedly, Carol Price decided it was time to retire.

**Ms. Lisa MacLeod:** Well, we'll have to have her fired for that.

**Mr. Jeff Leal:** I just wanted to give everybody an explanation of what was happening. I always believe in being transparent.

**Mr. Steve Clark:** [Inaudible] at AMO conference as well, but that didn't happen either.

**The Chair (Mr. Garfield Dunlop):** Donna?

**Mrs. Donna H. Cansfield:** I think that in the past—I think I'm correct—but there have been many instances when during the morning question period all we've done is simply added on to that time when we've had to make an acknowledgement on the death of somebody important or whether there's been an earthquake or whatever. So there's no reason, if this is only a few times a year, that we could not stay the extra time in addition to question period—I think question period's really important—and have the tributes where everybody is in the House. I think it's just a matter of refreshing people's memories. As Jeff has said, I think it's really important to acknowledge the contributions of all people who have been members of this House, regardless of their party affiliation. We all should have an opportunity to say thank you and in a context where everybody is available.

So maybe the suggestion might be to look at why we can't just continue what's already been a practice of when there's been an event, the Premier is there and the House is full and we could add the tribute on. It's five minutes for each party. I think we could indulge ourselves for 15 minutes four or five times a year.

**The Chair (Mr. Garfield Dunlop):** Laura, you've got a comment?

**Mrs. Laura Albanese:** I pretty much agree with what my colleague just said. I do understand that question period is the way for the opposition to hold the government to account and, therefore, members of the opposition don't want that time touched in any way. At the same time, I want to also emphasize the importance of the tributes. There are not too many, one would hope, that would happen within a year, but it's a way to pay our respects for the members who have contributed to this House.

The whole issue was raised because when the tributes happen right now, there's hardly anybody there. So that might be a good compromise, to either add time after question period or maybe just beforehand so that we can achieve both: keeping question period and paying due respect to the deceased members.

**The Chair (Mr. Garfield Dunlop):** I just want to remind everyone too, though, that one of the things that I

picked up on that was immediately mentioned by the Clerk, Deborah, when she made one of her first presentations is that I think one of her comments was—and I think we had it echoed by a few people in our deputations—that there would seem to be a loss of interest in the Parliament since we've separated question period and routine proceedings, because it doesn't just apply to the tributes; it also applies sometimes, I think, to the statements that are made in the House, even to petitions. So a lot of people—I think the Clerk mentioned this; I believe Mr. Conway and Mr. Sterling mentioned this as well—notice that there may be a lack of interest in Parliament after question period, and there are a lot of neat things that actually do happen after. That's why I think that if it's something that we can agree on—and I'm not sure, Jonah, how you feel about this, but can we agree that this is something we would like the House leaders to discuss as well? Lisa, this was your—

**Ms. Lisa MacLeod:** I think that this really speaks to a calendar issue. I really agree on the tribute; I think everyone does. Look, I've got to say something. I know that I can be partisan in the House, but my favourite moments in the Legislature are listening to members' statements about people from their community or hearing tributes. I will often have tears in my eyes, thinking about some of these great people and the fact that we are taking the official record of Ontario and adding that person to the official record of our province. I think it's the best thing we do, and I think the best way to do that is to recombine routine proceedings with question period. When we do that is a matter for the House leaders to come to an agreement on, because without their agreement, let's be frank: Regardless of what we put forward in a report, it may not happen. We could provide them with guidance on some of our views and ask them to come together with their staff, who are experts, and deal with that. But my view has been very strong, and it has been since we split routine proceedings.

Let me be very, very clear: I agree that we need to have family-friendly hours. A lot of people attribute that to me, and I appreciate that. But it was never meant to split those routine proceedings up, and I think that we've done a disservice to the assembly by doing it. I want to be very vocal about it. I know that members who were present and elected at the time will recall that I did have problems with moving question period into the morning. It is there now, and that's fine, but I think on a provisional basis we may want to move it back into the afternoon and fill the morning time with debate. I will say, as somebody who had an hour leadoff this morning, that it's so distracting to sit there and say, "I have an hour on the clock, but I have three minutes in debate," because at 10:15, we're done.

I just think that we could be doing this a little bit better. We could have a fulsome debate in the morning and go back to keeping routine proceedings and question period together in the afternoon. That's my view. It happens to be shared by members of my caucus. What I'm suggesting, however, is that we put our parameters

out there, through consensus, to the House leaders and let them make the final decision, because if we make the final decision here and it goes to the House—my concern is that this exercise, these months we've spent researching this, could go nowhere. It could be just in a document and not actioned at all. I think the proper weight would be with them.

**The Chair (Mr. Garfield Dunlop):** I do want to get a consensus on this particular topic going to the House leaders. Bas?

**Mr. Bas Balkissoon:** Yes. I'm all in favour of sending it to the House leaders, as I said in the beginning, because I think that those are the three people who could probably make a sound decision or a decision on this issue. But listening to my colleagues on the other side, I know that when the two previous options were provided to us, I looked at them in detail, because I sat on the last committee that came up with the current schedule that we have. I'd like to throw this forward, that what is being referred to the House leaders—that this particular comment be added.

To me, the only way it will work is: We would still have to start question period at 10:30, but we sit till 12:30 to add the tributes and routine proceedings into it. Then our lunch break is from 12:30 to 1:30 and we come back from 1:30 to 6. That would work well, and it would also accommodate the Tuesday-Wednesday short days for caucus meetings and cabinet meetings and still give the late-evening debate more than an hour, because otherwise, you'll have late-evening debates that are not long enough to call any particular bill for debate. So I'd throw that in as an option that should be put in front of the House leaders—

1300

**The Chair (Mr. Garfield Dunlop):** Along with the provisional stuff? I mean, Mr. Clark—

**Mr. Bas Balkissoon:** Basically, let the House leaders know that we didn't come to a conclusion; we're grasping for something that they would agree with to work.

**The Chair (Mr. Garfield Dunlop):** That's your suggestion, but we have a provisional topic as well.

**Mr. Bas Balkissoon:** Oh, yes. I'm saying: The ones that were presented before—this is another one in addition.

**The Clerk of the Committee (Mr. Trevor Day):** Could you just repeat it so we can make sure we get the—

**Mr. Bas Balkissoon:** That question period continue to start at 10:30 and it ends at 12:30, and you bring the routine proceedings back to join up with question period. We do routine proceedings first, then question period, but we end at 12:30, and our lunch break will be from 12:30 to 1:30. I don't think that will make a big difference to all of us.

**The Clerk of the Committee (Mr. Trevor Day):** So routine proceedings are preceding question period—

**Mr. Bas Balkissoon:** As it used to be. I think this is what Ms. MacLeod wants back, the routine proceedings first—

**Ms. Lisa MacLeod:** Just to be very clear, I agree with part of that. It's just that our preference would be the afternoon. However, this is what I would consider progress. Again, I think it's really important, because we all represent caucus and some ideas, and there need to be some negotiations—this is going to be a consensus report. It really is, if there is going to be movement, a requirement by the three House leaders, I think, to have a final say.

**The Chair (Mr. Garfield Dunlop):** Okay. Now Jonah. I'm sorry.

**Mr. Jonah Schein:** That's okay.

**Ms. Lisa MacLeod:** Sorry, Jonah. You're the best.

**Mr. Jonah Schein:** Thanks. Nice to see you.

A few things. One, I would agree with Steve here, Mr. Clark, in terms of not shortening question period. That's a really important part for opposition members to hold the government to account. And there was a bit of a mix-up here with the time, so apologies for that.

But my question is, I would like to have this discussion more fully with our own caucus as well. People have very different family circumstances than I do. I live in Toronto. I don't have to travel from northern Ontario. I'd like the feedback; I'd like to have a further discussion with our own caucus. I'm wondering: Have other people had that feedback? Are you able to bring a proposal before it goes to House leaders, before we set a schedule going forward? I'm just curious to know if other folks have had that opportunity to have the scheduling discussion at this point. Are these kind of the three proposals?

**The Chair (Mr. Garfield Dunlop):** Well, yes. And if I may, Gilles, we've just added a little more work on to the House leaders here—we're attempting to do it, anyhow. We're saying that we've got some thoughts and ideas on the House calendar, on the weekly calendar, on where question period is, so we can't come to any kind of consensus. We're curious about whether we could—and we're getting support here right now from these two caucuses at least, the Liberals and the official opposition, that we could send this to House leaders for further debate on it—

**Mr. Gilles Bisson:** I have no idea what you're both agreeing to, first of all. Have you agreed to something?

**The Chair (Mr. Garfield Dunlop):** No.

**Mr. Gilles Bisson:** Okay.

**The Chair (Mr. Garfield Dunlop):** Just that we would let House leaders deal with the House calendar itself, like when question period would be, because it's going to end up in your lap anyhow. We can't come to a consensus where we are right now.

**Mr. Gilles Bisson:** Okay. Just quickly, what I was hoping was going to happen today—and I apologize. I told others that I couldn't be here for—I actually told the clerk that I couldn't be here till 1 o'clock, and I understood from the clerk that the committee wasn't starting till 1.

**The Chair (Mr. Garfield Dunlop):** We haven't gotten much done, though.

**Mr. Gilles Bisson:** All right. My apologies. I was at another meeting till just now.

What I was hoping we could do—the process, just to review, and Mr. Leal, who sits at the House leaders' meetings with me as whip, will be able to verify this: This committee is charged with looking at what possible rule changes can be made. We said at the House leaders' meeting that there may be some stuff that's low-hanging fruit that we can agree with, put into a package and get it done quicker than later. But in the end, there may be some stuff that needs some further work that we could get agreement on, and maybe there's stuff that we can't agree to at all.

What I was hoping we could do today is sort of go through the headings of, "Is there any agreement on, for example, the House calendar schedule?" And if there is an agreement amongst the three parties, that could be part of what we bring to the House leaders' meeting for discussion about a motion in the House—private members' bills, delegated authorities, committee structures, all that stuff that we had talked about.

So before agreeing that we're going to bump this up to the House leaders for a discussion about what's going to happen with the House schedule, I think this committee should do its job and see where it is that we have some agreement, where we need some further work and where we know we're going to have some disagreement so that we can at least, at that point, map out where we're going to go from there. That would be my recommendation.

**The Chair (Mr. Garfield Dunlop):** Jeff, and then I'm going to ask the clerk.

**Mr. Jeff Leal:** I appreciate Gilles's contribution. I think there is maybe a bit of consensus about a linkage between question period and routine proceedings. If we could maybe agree in terms of that linkage for a number of reasons, then the broader debate is whether it occurs in the morning or occurs in the afternoon, but if there is some consensus about bringing those two elements of our day together, I would deem that as some progress.

Lisa has provided an observation and a thoughtful commentary on this, and Mr. Balkissoon has also provided some very thoughtful and insightful commentary. In terms of the issue of the linkage, the question becomes: "a.m. or p.m.?"

**The Chair (Mr. Garfield Dunlop):** We're back to the House schedule now—

**Mr. Jeff Leal:** And that's the calendar issue.

**The Chair (Mr. Garfield Dunlop):** Mr. Bisson, though, is recommending that we talk about a number of topics, and what we can we agree on.

**Mr. Gilles Bisson:** Yes, and if what you're saying is—just to the—sorry.

**The Chair (Mr. Garfield Dunlop):** No, you go ahead.

**Mr. Gilles Bisson:** If what Mr. Leal is saying is that the Liberal caucus seems to be okay with the idea of linking question period and routine proceedings and it's a question of when, that's the kind of stuff that's helpful, because then we can go away to our caucuses and say,

"There is an agreement on this. Where do we go with it?" and then we can bring that stuff to the House leaders. That would make some sense.

If you want to start around the schedule, I'm fine. It doesn't matter to me which one we start with, but we should try today to go through committees, private members, delegated authorities—

**Ms. Lisa MacLeod:** Gilles, just because you did come late, as did the Chair—a few minutes—we did make two decisions. We made the decision that we would move on accessibility. We're basically working on two streams here: What are we going to put in a report for a provisional basis, and then another is, what requires further study? So we said we'd move on accessibility and that we'd continue to talk about proclamations. We've come back to the House schedule. I think we've got a consensus here of merging question period back with routine proceedings, but we don't have consensus on when that should be. So that's going in the other lane. The House calendar per se will go to House leaders.

**The Chair (Mr. Garfield Dunlop):** Okay. Bas?

**Mr. Bas Balkissoon:** Chair, I would put a little bit of a caveat to what is being proposed, because I agree with combining routine proceedings with question period, but I want to make it very clear that there was one schedule that was provided to us where question period was in the morning one day and in the afternoon on another. I'm not in support of that, because I think the viewers out there would like to see it consistent across the board. That's why I suggested the 10:30-to-12:30 issue, so that there is consistency from Monday to Thursday. Anything that's going to the House leaders—my position is, we need to maintain that consistency as an ultimate goal, which is, it's at the same time every day, so the public knows where it is.

**Ms. Lisa MacLeod:** I think you would have agreement among most people here. That, to me, is reasonable—and again, not suggesting that I support the 10:30 time. I would actually go with 1:00 or 1:30, but just to say that, at the same time, the only thing we're disagreeing with is the potential time, but I think the spirit of where we're going is, we're making progress.

**The Chair (Mr. Garfield Dunlop):** So that's a topic there. Gilles.

**Mr. Gilles Bisson:** I think we're all agreeing. I don't know how much more we have to talk that one out. We're saying that routine proceedings and question period, if we can find a way to join it back together that would make sense—we have to figure out when—the "when" and "how," we haven't quite figured out. So I've noted that.

**Mr. Bas Balkissoon:** And the convincing argument was that the tributes would have more of a—

**Mr. Gilles Bisson:** We understand.

**Mr. Bas Balkissoon:** Yes.

**Mr. Gilles Bisson:** So what I'm suggesting: We can go through all of that, we note it, and then we go back and we know where we can work from; right? Otherwise, we're just going to talk in circles for two hours.

1310

**The Clerk of the Committee (Mr. Trevor Day):** I just want this one here, okay? The committee has agreed to recommend merging the two; we've got that.

**Mr. Bas Balkissoon:** With a consistent time of day.

**The Clerk of the Committee (Mr. Trevor Day):** With a consistent time.

The second option that was discussed before—

**Mr. Gilles Bisson:** Well, hang on: maybe a consistent time. I'm not sure the Tories have agreed to that. But we heard your point.

**The Chair (Mr. Garfield Dunlop):** We understand.

**Mr. Bas Balkissoon:** I want to make sure the House leaders get my message.

**The Clerk of the Committee (Mr. Trevor Day):** The second part, in terms of asking the House leaders for their input.

**Mr. Gilles Bisson:** I'm not agreeing to that at this point.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, and that's what I want to check: where we're at there.

**Mr. Gilles Bisson:** Yes. What I want to do is for this committee to have gone through the list of the various things we looked at to see where we have agreement, where we need further work and where we don't have agreement. Then we can map out from there what our next step is going to be—and it might be that we have to send it to the House leaders; it might be that this committee reconstitute, when we put committees back together in a week's or two weeks' time, in order to finish this work up. So let's see where it leads.

**The Chair (Mr. Garfield Dunlop):** All right. Donna?

**Mrs. Donna H. Cansfield:** I'm sorry; I thought that we—and I think it would be prudent to have some input from the House leaders, to be honest with you. I don't want to spin my wheels on the calendar. We all know that ultimately it's going to go there anyway, so why not send it there in the first place?

**Ms. Lisa MacLeod:** Just to back up Ms. Cansfield, I would far prefer for that to happen so that these young geniuses whom we all employ who know more about procedures than anything else—it would be great to have their input.

We know what we want. We've heard from people. We're making a recommendation for further discussion. I have confidence in that group. It's also something that we can bring up at the parliamentary liaison working group, although it doesn't have a formal role here in the assembly.

When you have these young fellas and the staff who know what they're doing—and of course, the Conservative staff members really know what they're doing; they're so good—I think that would be the most appropriate thing. That's my two cents, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** Okay, but at this current time, we don't have a consensus as a committee with Gilles on this, because he's saying, "Let's go through the whole list before we go back to that."

**Mr. Bas Balkissoon:** Then we disagree on the schedule.

**The Chair (Mr. Garfield Dunlop):** But we have a majority right now that would rather see the schedule go to the House leaders.

**Mr. Gilles Bisson:** My problem—I've just now gotten called away somewhere else as House leader. Nothing happens on our side unless—

**Mrs. Donna H. Cansfield:** So it makes sense to go through you anyway.

**Mr. Gilles Bisson:** My problem is, I just got called away. I cannot stay here at this point for the next half-hour or so. I'm not in any position to give you any kind of decision, as I've got to go away.

**The Chair (Mr. Garfield Dunlop):** What we'll do, though, if it's all right with the rest of the committee, is: We will take your advice and try to walk through the—

**Mr. Gilles Bisson:** Yes, see where there's some agreement. At least I'll know where you guys are at, right?

**The Chair (Mr. Garfield Dunlop):** Yes. We'll talk about all the different things we have come up with and see if we can put the rest of the afternoon in with that. Is everybody okay with that?

**Mr. Bas Balkissoon:** With the schedule?

**The Chair (Mr. Garfield Dunlop):** No, not the schedule; the other issues he's talking about: private members' bills, committees, things like that.

**Mr. Bas Balkissoon:** But are we saying there isn't consensus on the schedule going to the House leaders for some input?

**Mr. Gilles Bisson:** I've been called away.

**The Chair (Mr. Garfield Dunlop):** He has to go away.

**Mr. Bas Balkissoon:** Because I think the majority of us here are very strong on the House leaders giving us input to this House schedule. If we don't do that, we'll be spinning right here for a whole lot of months, because we'll—

**Ms. Lisa MacLeod:** Everything has to do with the schedule.

**Mr. Bas Balkissoon:** Yes, it has to do with them, and I think we should send it.

Mr. Chair, I want to raise a concern, because I forgot. In looking at the tentative schedules that were presented, and I know we didn't approve any of them, I want you to know that from a personal basis—and I'm sure there are other members of the chamber who would probably have the same issue—I do not want to go past 6 o'clock, and I'll tell you why. Personally, I'm diabetic. I try to eat my meals at a fixed time. If we go past 6 o'clock—it takes me more than an hour to get home, although I live in the Toronto area. Dinner then becomes 8 o'clock at night, and that's not healthy for me. If there's anything to drag it beyond 6, it becomes a problem. I understand that there are members in the Conservative Party who suffer the same consequences I do. I'm sure there are others who, for other reasons, don't want to eat dinner later. I make it

very clear that in the schedule we're dealing with, I would hope that we're dealing between 9 and 6.

**The Clerk of the Committee (Mr. Trevor Day):** What we have so far—

**Mr. Bas Balkissoon:** Because I appreciated that when Ms. MacLeod said we had to be friendly.

**The Chair (Mr. Garfield Dunlop):** I understand. So you don't want to go past 6 o'clock.

**Mr. Bas Balkissoon:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** So far, the committee has agreed to recommend the merging of question period and routine proceedings.

**Mr. Bas Balkissoon:** Yes.

**Mr. Jeff Leal:** Done.

**The Clerk of the Committee (Mr. Trevor Day):** What the committee has not agreed on yet, and it may very well, is whether or not we are going to ask the House leaders for their input. That's one step, and in doing so, are we going to send them some of the options that the committee is seeing just as a "What do you think?", or are we going to just wait and see what they have in and of themselves?

**The Chair (Mr. Garfield Dunlop):** Steve.

**Mr. Steve Clark:** Yes. Again, I just want to reiterate—I think it's healthy, based on all the debate that we've had at this committee, that we take the two scenarios in addition to our consensus on putting routine proceedings and question period together.

I appreciate what Bas has said about meeting after 6. I know that the proposal that I had tabled does put us, I think, at 6:45, but I still believe that because we can't find consensus and the fact that our caucus still would prefer to have an afternoon question period, we submit both, with the option of something provisional. The House leaders may not agree, but I think that that is a very viable option: that anything we promote could be done on a temporary or provisional basis. I'll just leave it at that.

**The Chair (Mr. Garfield Dunlop):** Jeff.

**Mr. Jeff Leal:** Just how I think we may want to proceed, and the clerk could help us here: if we had a bit of a chart, and the first title would be "calendar." Underneath the calendar, there would be this item "a linkage of question period and routine proceedings," and there would be maybe a box ticked, and then on the far right would be a column that says "unresolved." In this particular case, it would be "a.m. or p.m.?" right? If we could maybe do that, that would certainly help all caucuses when we ultimately take it back for discussion. We may have to have another column on the right that says "referred to House leaders," and maybe put a tick under there, just to put it in a graphic way. I think that may be of some assistance—Mr. Chair, just my suggestion; that's all.

**The Chair (Mr. Garfield Dunlop):** Yes, I understand.

**The Clerk of the Committee (Mr. Trevor Day):** We've only got two items.

**Mr. Jeff Leal:** And under “calendar,” there may be the subsets—as I said, linkage of question period and routine proceedings, private members’ bills, or whatever those elements are. There may be three or four of them, and then we can have that graphic chart to show us where we are; right?

**The Chair (Mr. Garfield Dunlop):** So we’ve just got a couple right now on the list.

**Mr. Jeff Leal:** Exactly. I’m more of a chart guy than—you know—

**Mr. Bas Balkissoon:** A picture guy.

**Mr. Jeff Leal:** I’m a picture guy.

**The Chair (Mr. Garfield Dunlop):** All right. Well, even if we’ve got to come out of it with a chart, we’ll do it. Steve?

**Mr. Steve Clark:** Trying to move forward, I know that someone mentioned accessibility. We did have, I thought, consensus on—

**Mr. Jeff Leal:** That could be in the chart—tick, tick, tick.

**Mr. Steve Clark:** But there were things other than that. I remember that we had a discussion about opposition day and changing that so that the mover of the opposition day motion gets five minutes and it’s a five-minute bell. That was a report that we had here at the committee. Again, is that part of the low-hanging fruit, to use Mr. Bisson’s term, that we should be submitting to House leaders? I thought we had consensus.

**The Chair (Mr. Garfield Dunlop):** Let’s get something to House leaders.

**Mr. Bas Balkissoon:** Are we finished with the schedule?

**The Chair (Mr. Garfield Dunlop):** Yes, we are. We want to go down the list—

**Mr. Bas Balkissoon:** I think we are, too, yes.

**The Chair (Mr. Garfield Dunlop):** We want to try to develop a list here to pass on for a list.

**Mr. Steve Clark:** That’s why I was moving on to opposition day.

**The Clerk of the Committee (Mr. Trevor Day):** For the list, you are agreed on merging the two. We’re not agreed on whether it’ll be a.m. or p.m. or what the schedule will actually look like. We are agreeing to forward what we have to House leaders for their input.

**Mr. Steve Clark:** Including what Mr. Balkissoon has said—

**Mr. Bas Balkissoon:** With the two issues that I raised.

**Mrs. Laura Albanese:** But I don’t think Mr. Bisson agreed on that.

**The Chair (Mr. Garfield Dunlop):** He wants more than that sent to House leaders.

**Mr. Bas Balkissoon:** He wants us to make a decision.

**The Chair (Mr. Garfield Dunlop):** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** So we are going to send something to the House leaders right now—it could be a bigger list—that has, “We’d like the two back together. Here are some options for scheduling. Please give us your input,” and we’ll move on from there.

**The Chair (Mr. Garfield Dunlop):** Bas, did you have something else before we start moving on and talking about opposition day and private members?

**Mr. Bas Balkissoon:** I remember vaguely Mr. Clark’s comment about opposition day and the bells. I’m trying to remember some of the concerns that I raised at the time, and I believe it was members having to come back to the precinct from their offices from our side, because our members are not resident in this building, and it was a challenge. If that’s the issue you’re raising, I just want to have a complete refresh of it. If it’s the issue about the mover of the motion having a time to reply, then that’s a different issue.

1320

**Mr. Steve Clark:** The one I’m referring to is a memo that Mr. Day sent to the committee on May 9 about draft options, Speaker’s authority and opposition days. At the very end, it lists, “It is therefore the committee’s view that recorded votes on opposition day motions should be deferrable, and should be achieved by the regular operation of standing order 28, that is, by the chief whip of any party requesting the deferral during the ringing of the divisional bell.”

“The committee therefore recommends the following amendment to standing order 43:

“43(d) After two hours of debate on an opposition day held on a Monday, or at 5:50 p.m. on an opposition day held on a Tuesday or Wednesday, the mover of the motion or any member of his or her party may reply for up to five minutes, which reply shall conclude the debate. The Speaker shall thereupon put the question, and if a recorded vote is requested, the division bells shall be limited to five minutes. Such vote may be deferred pursuant to standing order 28(h).”

We had, to my recollection, a long discussion. I do not believe there were any of the three parties around this committee table that had any strong objection to that change.

**The Clerk of the Committee (Mr. Trevor Day):** To be clear, I think the only thing prior to this that the committee has voted on and said “We’re good with it” was the accessibility. There was a discussion around that—a lengthy one.

One of the things that came up is that Ms. Cansfield raised the issue of the five-minute bell not being sufficient. I think one of the changes that the committee was considering was a 10-minute bell, but that was never solidified completely. I guess the option is that everything works somewhat the way it does now, there is a five-minute right of reply, and they become deferrable to the next day, with, again, the suggestion was—and it’s still before the committee—a five- or a 10-minute bell.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Bas Balkissoon:** But Mr. Clerk, the five-minute right of reply is already built in to the mover’s time and his or her party’s time, isn’t it?

**The Clerk of the Committee (Mr. Trevor Day):** I believe it’s two minutes. The problem with the current practice or the problem that raised the issue is that you

have to take it out of your time that's there. It's not separated out. So we do get into a practice of chicken where other parties won't stand up, so the debate will collapse unless you stand up and use the remainder of your time. This was to move it out and make it just for that person, separate, much like private members' public business, where—

**Mr. Bas Balkissoon:** You get the last say.

**The Clerk of the Committee (Mr. Trevor Day):** —you get the last say.

**The Chair (Mr. Garfield Dunlop):** Jeff? You had a question.

**Mr. Jeff Leal:** I have no problem with what Mr. Clark has proposed. I would seriously, though, look at a 10-minute bell.

I'll just share a personal experience. When I was PA to the Minister of Aboriginal Affairs, I was stuck way the hell down on Bloor Street, and there was no way, if there was a traffic jam, for me to be here in five minutes. There are some other PAs who are located off-site, but that was the furthest destination you could be at, way up on Bloor Street. It was virtually impossible, in a five-minute bell, to get back here to cast a vote.

So we're fine with what Mr. Clark said, but a 10-minute bell would be easier.

**The Chair (Mr. Garfield Dunlop):** Laura and then Lisa.

**Mrs. Laura Albanese:** I just wanted to reiterate the importance of the 10-minute bell. Right now, my office is at 400 University. If I walk it, I would not even be here in 10 minutes.

**The Chair (Mr. Garfield Dunlop):** You'd have to run it.

**Mrs. Laura Albanese:** But with the emergency—

**Mr. Bas Balkissoon:** You'd have to call a taxi.

**Mrs. Laura Albanese:** —taxi or whatever, I could try to make it here.

**The Chair (Mr. Garfield Dunlop):** I've done that before, the five. I know what you mean.

**Mrs. Laura Albanese:** Yes, 10 minutes away at least.

**The Chair (Mr. Garfield Dunlop):** Lisa?

**Ms. Lisa MacLeod:** I don't think Steve and I really have a problem with a 10-minute bell. I really don't think that's the point. I think the point when you're in the opposition is, you want it to be voted on when everything else is voted on. I think we should have the ability to defer it to the next day after question period, with the rest of the votes.

**Mr. Jeff Leal:** We have no problem with that. We're just the mechanics. I just said we agree—

**Ms. Lisa MacLeod:** Okay. Let's move this up the chain, then.

**The Chair (Mr. Garfield Dunlop):** Okay. But what I'm hearing, though, is that you have no problem with the mover having the last two minutes.

**Ms. Lisa MacLeod:** Yes—five, five.

**Mr. Bas Balkissoon:** The thing is, if you go five, you're extending the debate for five. If you go for two,

you're extending debate for two, because you have to work through the clock.

**Ms. Lisa MacLeod:** That's fine. We're all on a roll here, Bas. We're on a roll of agreement here with each other.

**Mr. Bas Balkissoon:** The clerk will have to give us the logistics, but I think you have to work through the clock.

**The Chair (Mr. Garfield Dunlop):** Okay, but is that not something we can agree on here?

**Mr. Steve Clark:** I sure hope so.

**Ms. Lisa MacLeod:** Yes. We just did it.

*Interjection.*

**Ms. Lisa MacLeod:** Jonah is excited.

**Mr. Jonah Schein:** I just want to clarify, though. Is this going to House leaders for input and then it comes back here, or is that the final decision?

**Ms. Lisa MacLeod:** No. Whatever we're agreeing with is going in the report, and then whatever we say to refer to the House leaders for input, they're going to come back in that provisional thing and—

*Interjection.*

**Ms. Lisa MacLeod:** Listen, would you like to take a seat at the table?

**The Clerk of the Committee (Mr. Trevor Day):** There are a couple of components here. I just want to make sure everyone is good on all of them.

The opposition days: the right of reply. Everyone agrees on that?

**Ms. Lisa MacLeod:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** The votes being deferrable: Is everyone agreed on that?

**Mr. Bas Balkissoon:** Yes; we don't have a problem with that.

**The Clerk of the Committee (Mr. Trevor Day):** And a 10-minute bell on this particular one: Is everyone agreed on that?

**Mr. Bas Balkissoon:** The 10-minute bell has to be retained, however you can work it in.

**The Chair (Mr. Garfield Dunlop):** Okay. Isn't this good news?

**The Clerk of the Committee (Mr. Trevor Day):** This is good news. So "the committee agrees to recommend." Okay.

**The Chair (Mr. Garfield Dunlop):** We've got another one on our list, Mr. Clark. Have you got anything else?

**Mr. Bas Balkissoon:** He's on a roll.

**The Chair (Mr. Garfield Dunlop):** Because it's such a good topic. Have you got any other suggestions?

We had a lot of discussion around committees. Can we open that up for any discussion right now, or any comments? Anything coming back from the Clerk on that that you'd recommend?

**Mr. Bas Balkissoon:** We had so much discussion, but we never had a discussion on what it is people really wanted. I think the only thing I heard clearly is that members who are appointed to a committee should be appointed based on a particular interest and therefore

gain knowledge and experience because of that interest. When you look at our House schedule and you look at what we're all involved in, it sounds like a good idea, but it's not 100% workable on the government side.

**The Chair (Mr. Garfield Dunlop):** Yes. We're pretty busy too.

**The Clerk of the Committee (Mr. Trevor Day):** Just to refresh: There were a couple of topics that came up. One of them was that bills had to be referred to certain committees, depending on what ministry those bills came out of. That was one.

There were also issues around determining which bills would actually be looked at in committee, trying to clear up the logjam, where a number of bills sit in committee and they don't get called by the committee for any work: private members' bills.

**Mr. Bas Balkissoon:** As we all know, 98% of them don't go anywhere.

**The Clerk of the Committee (Mr. Trevor Day):** Those were just a couple of the issues that came up, too.

**Mr. Steve Clark:** Yes. There was one issue in terms of committees that I brought up a couple of times, and I know the Clerk had given us a paper on it, and that was the issue of a parliamentary officers committee. Although the Auditor General has a pretty formal reporting with public accounts, the Ombudsman somewhat less formal with this committee, there was a feeling that I shared with the Clerk that there should be some more permanent committee set up for those parliamentary officers to report to. They are officers of the assembly, and I think there should be some formal committee structure that was put forward, similar to what the Auditor General has with public accounts. Other than talk about the report, I don't know that that actually moved forward.

**The Chair (Mr. Garfield Dunlop):** I'm just trying to recall how much discussion we had.

**Mr. Steve Clark:** The last line in the report, Chair, says, "There is therefore an entirely valid and currently missing role for the assembly to play by having a committee whose role is" this. It was just a very short little document that listed the Auditor General, Ombudsman, Environmental Commissioner, Information and Privacy Commissioner, Provincial Advocate for Children and Youth, Chief Electoral Officer and Integrity Commissioner.

**The Chair (Mr. Garfield Dunlop):** What tab is that?

**Mr. Steve Clark:** It would be within tab 31, or—that's in my poor filing system, so I can't totally say. It should have been in 31.

**The Clerk of the Committee (Mr. Trevor Day):** That was a document provided on an overview of committees.

**Mr. Bas Balkissoon:** Just for clarification, Mr. Chair, for Mr. Clark: Currently, these appointed positions—their reports go to the Legislature. So you're saying that it should be a process in the Legislature; then the report gets referred to a committee, and the committee can bring that officer in and discuss the report? That's the missing link?

1330

**Mr. Steve Clark:** Yes.

**Mr. Bas Balkissoon:** Okay.

**The Chair (Mr. Garfield Dunlop):** Is that not through the Auditor General?

**Mr. Steve Clark:** That was a report that the Clerk provided us.

**The Chair (Mr. Garfield Dunlop):** Yes, but was that not a recommendation of the Auditor General at one point?

**Mr. Steve Clark:** I don't know that.

**Mr. Bas Balkissoon:** I know the Ombudsman's report is here, and it's really up to committee to call the Ombudsman in. It sits in the Chair's hands to make that decision. The Environmental Commissioner, I'm not sure. Who's the other officer? I can't remember.

**Mrs. Laura Albanese:** Privacy.

**Mr. Bas Balkissoon:** The privacy commissioner. I think the privacy commissioner—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Yes?

**Mrs. Donna H. Cansfield:** Maybe we need to do a little homework first. Who can and does report through to committees? I know the Ombudsman does, because I sat on the committee that did that.

**Mr. Bas Balkissoon:** When I was a Chair, I brought the Ombudsman in twice. Members did not want to review his other report. It's all in the committee's hands.

**Mr. Steve Clark:** Yes. The report that she gave us, if I might, says: "Only two of these parliamentary officers have any formal reporting, consultative or oversight relationship with a legislative committee—the Auditor General has a long-standing and robust relationship with the public accounts committee, and the Ombudsman has a nominal but moribund relationship with this very committee."

"This disconnect between the Legislative Assembly and its own parliamentary officers persists, yet it is relatively easy to fix by creating a dedicated committee to which these parliamentary officers can report on some regular basis, and by which the assembly can keep informed of their activities, have input into each of their mandates and how they are being discharged, provide guidance, and be the nexus between them and the assembly as a whole."

"While the parliamentary officers are independent officers of the assembly, they are not independent from the assembly—they are independent from the government. But they are creatures of this assembly to whom have been delegated some of the assembly's own powers and responsibilities, the better to enable the assembly to hold the government to account for its diverse and complicated operations."

"There is therefore"—and I've already read this—"an entirely valid and currently missing role for the assembly to play by having a committee whose role is" this.

**Mrs. Donna H. Cansfield:** So, Chair, if I may continue—

**The Chair (Mr. Garfield Dunlop):** Yes, Donna?

**Mrs. Donna H. Cansfield:** For example, I think it was identified in there—change the mandate. My understanding is the mandate is included in the legislative existence of that particular person—they have a mandate. So we couldn't change the mandate. The committee can't change the mandate that's been put in place by the government, who has given that responsibility to that individual, with these things to do. Is that correct?

**The Chair (Mr. Garfield Dunlop):** That's my understanding, yes.

**Mrs. Donna H. Cansfield:** Okay. That's why I say I think it needs to be scoped out a little bit more. I understand where the Clerk is coming from. I guess I need to have a better understanding. Is there anything, for example, that precludes, when that report is filed, that any member could stand up and say, "I would like this referred to"—I need some kind of, other than—I need a little bit more homework on this one.

**The Clerk of the Committee (Mr. Trevor Day):** We can provide that.

**Mrs. Donna H. Cansfield:** Okay.

**The Chair (Mr. Garfield Dunlop):** Did anyone else have any comments on that? So you're just looking at a little bit more background—

**Mrs. Donna H. Cansfield:** I'm trying to understand. How many are we talking about? What does it mean for another committee? Are you taking responsibility away from another committee? What are the roles—

**The Chair (Mr. Garfield Dunlop):** Say, from public accounts, for example?

**Mrs. Donna H. Cansfield:** Yes.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mrs. Donna H. Cansfield:** What can you now do currently, under the existing structure, in terms of referral? What can a committee do and not do? You can't change a mandate. You might make a recommendation to expand a mandate, but ultimately it goes back to the government, presumably. How does that happen? That kind of thing. I just need some—and how many agencies are we talking about, or how many individuals are we talking about?

**The Chair (Mr. Garfield Dunlop):** I understand where you're coming from. I really support the idea of establishing this, because I look at people like the Information and Privacy Commissioner and the Environmental Commissioner in particular. It seems that the only teeth they have, or the only chance they get to be here, is when they bring out their report and they do a press conference downstairs, or whatever it may be, in the media studio and they do their announcement and then it's a story for a day or two, and there's not really anything said or done about that.

I think it would be nice to know that you could call in, say, for example, the Environmental Commissioner and have him in for an afternoon or a couple of afternoons and really get to know a little bit more about some of the comments he's making. The same with the Information and Privacy Commissioner.

Yes, go ahead.

**Mrs. Donna H. Cansfield:** But presumably you'd have to have a purpose to call that individual in, right? Presumably, there's a purpose for getting a committee together to call in an individual other than an information session.

**The Chair (Mr. Garfield Dunlop):** Yes, and I can tell you right now, I have some concerns about some issues around information and privacy and I would love an opportunity to question at a committee the Information and Privacy Commissioner just to be able to clarify some things, other than having to set up an appointment with her myself or sending her a bunch of correspondence, because I think there's some merit to having that person make a report to a standing committee.

**Mr. Steve Clark:** Yes, and just using my own comments, I had a meeting with the Chief Electoral Officer after I had my member's statement about having a better voters' list, and he indicated that at some point he was going to have some recommendations. I think it would have been nice to have those recommendations brought forward to a committee. I don't know about you, but every time I have my meeting with the Integrity Commissioner, she and I always have a little discussion and she's always got some ideas on things that she would like to change or she's at some process of reviewing change. It would be nice to have a committee where they could bring those ideas forward and have a forum for discussion.

**Mrs. Laura Albanese:** What I wanted to say was, I agree on the idea of having some background research as to what ties currently exist for these appointed members and committees and the Legislature. I have been a member of the public accounts committee and enjoyed very much working closely with the Auditor General. At the same time, I believe that his mandate includes working with the public accounts committee. I don't know, for example, if that's the same—if there's anything that would preclude the privacy commissioner from speaking to a committee other than just to give information. I believe that what Mr. Clark is proposing is working with the appointees to perhaps, as we do with the Auditor General, review some of the chapters of the report and see how we can best recommend improvements within the appropriate ministries. I don't even know if that's possible according to their mandates, so the research should include that as well—

**The Clerk of the Committee (Mr. Trevor Day):** Yes. What I can tell you just currently about that is, yes, the Auditor General, in his actual mandated legislation—it's in there that he work with public accounts.

**Mrs. Laura Albanese:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** The Ombudsman meets with this committee; section 15 of the Ombudsman Act has that in there, that deals with this committee. So that is something that we can look into, and what would be involved on both sides, not only a standing order change but possibly would there be legislative changes involved?

**The Chair (Mr. Garfield Dunlop):** But, Trevor, just to take that a step further, is there anyone for the Environmental Commissioner to—

**The Clerk of the Committee (Mr. Trevor Day):** Right now, in our standing orders, no. Now, that's not to say background checks into—and I do not know, but looking into the legislation, Peter, do you know of anything—

**The Chair (Mr. Garfield Dunlop):** The environmental or even the privacy commissioner.

**The Clerk of the Committee (Mr. Trevor Day):** —if there's anything in there that may be in the legislation right now.

**The Chair (Mr. Garfield Dunlop):** Either one of those two.

**The Clerk of the Committee (Mr. Trevor Day):** We'd have to look into that.

**Mrs. Laura Albanese:** And who they report to.

**Mr. Peter Sibenik:** The regs committee is in the Legislation Act, 2006, the Auditor General is in the Auditor General Act, and the other one, the Ombudsman Act—

**The Clerk of the Committee (Mr. Trevor Day):** So we can look into the other ones to see if there's any formal—

**Mr. Bas Balkissoon:** Mr. Chair, Mr. Clark has raised a good issue, and I'm wondering if this is one of those, like the proclamation, which requires further study, where we have to look at the legislation and the mandate of all these parliamentary officers, because it's not just the Integrity Commissioner and the Environmental Commissioner. You have the child advocate and I think there are two or three others. So maybe what we need to do is send a recommendation to the House leaders that a review be done on all these officers, the legislation and the mandate of these officers, and provide the connection with the Legislature and the standing committees to allow for the things that the Clerk has identified as a missing link. That would take it out of here in a hurry, and some day we will get that done properly.

**The Chair (Mr. Garfield Dunlop):** Okay. I agree. Now, Jeff—yes?

**Mr. Jeff Leal:** I was just going to concur with Bas that I would personally like to know the various pieces of legislation that have embedded in them reporting requirements by these legislative officers, and that would be part of the research.

1340

**The Clerk of the Committee (Mr. Trevor Day):** Am I hearing this is a two-item that we discuss before the—we're going to push it down a little bit for further study?

**Mr. Jeff Leal:** Yes.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** Two things: One is, normally we have the media table open so our media people can sit down and write things. I would move that our friend from the Star can actually sit at a table in a chair so she can do her work a little bit more easily. Are you guys okay with

that? Do you want to come up here? It's up to you. I just saw you balancing your notebook and your BlackBerry.

**Interjection:** No, I'm fine.

**Mr. Gilles Bisson:** All right.

I just walked in—and I'm sorry, but I was pulled away to another meeting.

**The Chair (Mr. Garfield Dunlop):** It's okay.

**Mr. Gilles Bisson:** So what you're essentially saying is that there's some validity to taking a look at the possibility of extending the committee oversight over officers of the House. Generally, we're in agreement. We're not quite sure how, when, where and all that kind of stuff—that's good.

I'd be careful about saying we're going to refer it back to the House leaders. I think we need to get a sense from our caucuses—let me just back up. I take it that when you say this is something that's worth studying, you've had some discussion within your caucus and there's some willingness to go there.

**Mr. Bas Balkissoon:** No.

**Mr. Gilles Bisson:** No?

**Mr. Bas Balkissoon:** It was raised here, and we're agreeing.

**Mr. Gilles Bisson:** Okay, that's fair. Can I suggest, then, as we go through this stuff and we have things that we've agreed to, things that we need to take a look at and those things that we don't agree with, that before we bring it to the House leaders, we should all go back to our caucuses and find out who buys into what so that we have a real list that we can bring to the House leaders when we're done?

**Mr. Jeff Leal:** Gilles, I had suggested a bit of a chart here: things we agree to, things that are outstanding and things that we need. When that gets built, then you can take that to the House leaders.

**Mr. Gilles Bisson:** You wouldn't rather bring it to your caucuses first?

**Mr. Jeff Leal:** Oh, I'm sorry. I'm a little out of sync here—I think both an internal caucus discussion and then eventually to House leaders. But I think a chart would be very, very helpful. We've already agreed on a number of things today.

**Mr. Gilles Bisson:** Okay. The only thing I missed when I was gone was opposition days, where we're recommending you can defer the vote and the right of reply to the mover of the motion—and that's an agreed one. Good.

**The Clerk of the Committee (Mr. Trevor Day):** One more thing, very small: Usually on a deferred vote, it's a five-minute bell. The recommendation was that it be a 10-minute bell.

**Mr. Gilles Bisson:** Okay.

**The Clerk of the Committee (Mr. Trevor Day):** So, parliamentary officers committee, more research, item number 2—it's over there.

**Mr. Bas Balkissoon:** Yes. It may require the ministers to look at their own legislation on how they appointed these people.

**The Chair (Mr. Garfield Dunlop):** Okay. We're actually rolling along here a little bit, Gilles.

**Mr. Gilles Bisson:** Just a question on process: Are we following any particular order of things?

**The Clerk of the Committee (Mr. Trevor Day):** No. Things are just being sort of—

**The Chair (Mr. Garfield Dunlop):** We're just bringing up things we've talked about in the past. I was going to ask next about what we—

**Mr. Gilles Bisson:** So are we staying on committees or are we moving off committees? What are we doing?

**The Chair (Mr. Garfield Dunlop):** We can stay on committees if you have other suggestions.

**Mr. Gilles Bisson:** Well, one of the things that we—at least I have talked about; I don't know where everybody else is at: Committees, in the end, are sort of where the Legislature and members can be the most effective, as far as doing our jobs. Is there any willingness in regard to the other caucuses to looking at how we're able to make some changes at committee? For example, we had talked about the old standing order 123, which is 126 now, that allows a committee to order up a review of a particular issue. So let's say you're on general government and you want to review whatever policy. A caucus has a right to do that. Is there any willingness on the part of the committee to seriously look at maybe doing something that allows caucuses or individual members the ability to bring forward an issue for a limited time of study at committee, like an old 123 or 126?

**The Chair (Mr. Garfield Dunlop):** Any thoughts? Steve, do you have anything on that?

**Mr. Steve Clark:** I don't have a difficulty talking about it. I'd like to have, as Gilles said, a more detailed discussion at our caucus. I've had some of our caucus members bring up different things they'd like changes in in committee in terms of responsibilities, so I don't have a problem having that discussion. I'm certainly open to having it myself.

**Mr. Bas Balkissoon:** Mr. Chair, we haven't brought this up to our caucus, but I know my comments when this discussion took place were that we currently have such a hectic schedule, to add more work to committee members on the government side was always difficult, unless you could find a way to reduce the schedule and then create room for the additional work.

The other thing: If I remember 116 and 216 or whatever it is, there are some specific parameters in those two procedures that, personally, I don't agree with changing. I don't know what my colleagues think.

**The Chair (Mr. Garfield Dunlop):** Okay. Donna or Laurie? Jeff, did you pick up on that—

**Mr. Jeff Leal:** I did.

**The Chair (Mr. Garfield Dunlop):** Okay.

**Mr. Jeff Leal:** I'm giving Mr. Bisson's proposal some thought, so I'm going to—we'll have an opportunity to respond. I think Mr. Balkissoon—

**Mr. Gilles Bisson:** This is something we can look at later, is what we're saying.

**The Chair (Mr. Garfield Dunlop):** Yes.

**Mr. Bas Balkissoon:** If we could receive your exact proposal, we would take it to our caucus. But trying to compare one with another and a different House schedule, when the other one was in place, to this House schedule is very difficult.

**Mr. Gilles Bisson:** I'm not talking about the schedule. There were some specific recommendations that were made in regard to standing order 126. For example, currently you have to have a 60% majority in order to do the 126, I believe. One of the recommendations was, it just becomes a simple majority, period. Because the problem—60% essentially makes that section null and void.

The other issue is, it used to be under the old section 123 that a committee, if they had no other business before it, could do a review. For example, if Mr. Balkissoon is interested in looking at the state of public housing in Ontario, Mr. Balkissoon would move such a motion to the order paper of the committee, and if you have no other business before the committee, under the old standing order then the committee can seize itself of that for—how many hours was it? It used to be—

**The Clerk of the Committee (Mr. Trevor Day):** If I'm thinking of the right one, it was approximately 12.

**Mr. Gilles Bisson:** Yes, it was so many hours.

**The Clerk of the Committee (Mr. Trevor Day):** That's right.

**Mr. Gilles Bisson:** But it was dependent on the committee having no work before it. That was one of the ways of looking at it.

The other way of looking at it is saying that each—I don't know how you do this, but some sort of rotation by caucuses—that you have an opportunity for committees to look at something for a shorter period of time. There may be a four-hour or a five-hour rule where you can say, "Okay, let's look at calling some witnesses in order to talk about the state of public housing in Ontario," and have some witnesses come forward in order to give you information, and that becomes part of the business.

The other thing we had looked at was the issue of estimates. Do we want to get into a conversation around whether estimates should only be done by the estimates committee or should you do what we used to do here before, which was estimates is done by the actual committee charged with the ministry? It would actually allow us to do more estimates, and members would have a certain expertise, because if you sit on a particular committee you get up to speed with those ministries that are assigned to your committee.

There were just different things like that that were brought forward under the committee section, and I just want to get a sense of where the government and the opposition are on those matters.

**The Chair (Mr. Garfield Dunlop):** Personally, as Chair, but trying to be non-partisan on this—you mentioned bringing this up further down the road or putting it on a list for the future. I don't think—I think anybody is open to that kind of discussion.

**Mr. Gilles Bisson:** Is there any of it that we agree to at this point, I guess should be the question. Do we want to—

**Mr. Bas Balkissoon:** Mr. Chair, I would agree, if I could see a proposal. My colleagues and I would love to put it front of our caucus members. Without a proposal in your hand, it's very hard to picture what can or cannot happen.

There are merits to estimates being done by the individual standing committees. But if I look at the work since I've been here at estimates committee, most of the time they're meeting year-round. They meet over the Christmas holidays; they meet in January—

**Mr. Gilles Bisson:** No, not over the Christmas holidays.

**Mr. Bas Balkissoon:** If you pass that work on to other committees, then they'll be meeting longer, which means more members will have to put in more work. If we retain the same calendar—I just—

*Interjection.*

**Mr. Bas Balkissoon:** Yes. I just don't see it being workable in terms of members' time schedules. So without something in front of me, it's hard to say yes or no or maybe. But if I could get something, I'll take it back to caucus.

1350

**The Chair (Mr. Garfield Dunlop):** Just to make sure I'm clear on this: I think the estimates committee has a set time frame each year. It's like 12 sitting days after the budget and then right through till mid-November.

**Mr. Bas Balkissoon:** But it's pretty hectic.

**The Chair (Mr. Garfield Dunlop):** Yes, it's hectic, but you're done in the middle of November.

**Mr. Bas Balkissoon:** Yes.

**Mr. Gilles Bisson:** There was also the question of, if you just stay with the estimates committee, there's no reason why we couldn't extend the date beyond November so you can get more estimates done. That was the other thing that we had looked at.

**The Chair (Mr. Garfield Dunlop):** Jeff?

**Mr. Jeff Leal:** This is just a personal view. I think what Gilles suggested is something that Norm Sterling touched upon when he made his delegation here, based on, of course, his work at public accounts and over a number of years. That's not to say that if you still had a set time frame for estimates—the committee that has the responsibility for that particular ministry could be doing their estimates work within that time frame. There's the ability to look at kind of a hybrid model here. I, for one—as I said, this is just a personal view—would be inclined to look at that, but it would take some broader discussion.

**Mr. Steve Clark:** There was another issue that I think Ms. MacLeod brought up, using the federal example of the take-note discussions that take place at Parliament. We had that discussion, but we didn't ever have it in relationship to revising the standing order. But I remember that on at least one—it must have been more than one—occasion, she brought up the federal Parliament

and the fact that they can do that take-note style of debate. I'm not sure whether that was something that would feed into your suggestion or not.

**Mr. Gilles Bisson:** It is an issue.

**Mr. Jeff Leal:** If I could just follow up, in terms of committees that have the responsibility of specific ministries, doing their estimates, that's the American congressional style. Their committees look at estimates where they have a great deal of expertise. Defence appropriations: All those people are experts on defence or other activities. I think it would help individual members to get a lot of expertise in a very specific area, and that could be helpful.

**Mr. Steve Clark:** I think that's what Mr. Sterling had talked about as well: having it more specialized in the policy fields. Some of our members have talked about the whole bills and regs committee, having a more robust say in some of the regulations as well. I know that has come up.

So I would probably recommend that we take this item and go back to the caucuses and have a discussion about two or three specific items that they would like to see move forward in committees and then have a discussion in this room just on that matter.

**The Clerk of the Committee (Mr. Trevor Day):** Just to check: Are you going to go back to your caucuses and discuss committees in general, or are we looking at specifically—

**Mr. Bas Balkissoon:** No. We need input.

**The Clerk of the Committee (Mr. Trevor Day):** All right. And so far, what I've heard are things like possibly extending Thursday; possibly looking at different ministries doing estimates, not just the estimates committee; some type of change to the 126. Those are the types of things that I'm hearing right now.

**Mr. Bas Balkissoon:** We're not agreeing. We're agreeing to look at a proposal.

**The Clerk of the Committee (Mr. Trevor Day):** No, it's not agreement. That's just the area we're in.

**Mr. Bas Balkissoon:** The proposal has to work in the current calendar, if it's workable without—because I think we're tending to say that all these things worked well in the past, but every time I look at what worked well in the past, the House schedule was a lot shorter. We now have a longer House schedule, and we want to bring all the stuff that we dropped back into the House schedule.

*Interjection.*

**Mr. Bas Balkissoon:** That's not my understanding from the schedules I looked at.

**Mr. Gilles Bisson:** We used to sit till 9:30 every night, and midnight for the last two weeks.

*Interjection.*

**Mr. Gilles Bisson:** Oh, yes.

**The Chair (Mr. Garfield Dunlop):** It's fun sitting till midnight.

**Mr. Gilles Bisson:** In 1995, we were sitting far more than now—for 10 years. You're the guys who brought in getting rid of night sittings, which was—

**The Chair (Mr. Garfield Dunlop):** Okay. So Gilles is bringing back a proposal on the—

**Mr. Gilles Bisson:** Yes, I'll bring a proposal back.

**The Chair (Mr. Garfield Dunlop):** So now we'll go to other issues we'd like to discuss. I think under the committees, things like the private bills and regs and the estimates—we'll determine that under one umbrella.

Other issues? Gilles?

**Mr. Gilles Bisson:** The other one was the issue of delegated authorities. I'm not going to go through the whole debate again, but essentially we all know what I'm talking about. Is there any willingness to look at how we're able to have some mechanism that lessens the requirement to delegate the authority of the Legislature to regulation? There are different ways you can do it; right? You could change your regs and private bills committee process so that before a regulation is actually enacted, it's sent to that committee so at the very least there could be comment before it's passed. That's one way.

You can do the British model. There were two different ways under the British model, I believe. A change of regulation needed approval of the Legislature; some of them didn't. So, is there any thought in regard to any of that, Mr. Leal?

**The Chair (Mr. Garfield Dunlop):** If I may, it's something that I hear about a lot: regulations. At times, I hear that they take away the intent of the original legislation. I don't know how many people hear that on a regular basis, but it's something that I think is kind of growing each year. I personally would like to see some kind of a committee have some kind of look at the regulation before it goes out the door, but those are just my own personal thoughts.

**Mr. Jeff Leal:** There may be an opportunity to look at a fairly substantive reform of the private bills and regulations committee. I can't tell you today what that should look like or what powers they should have, but I think it may be something that we need to take a look at.

**The Chair (Mr. Garfield Dunlop):** Steve, do you have any thoughts on that at all?

**Mr. Steve Clark:** I think it would be a great discussion to have. As you said earlier, I have had a lot of calls—it is a big concern within our own membership in our caucus. So I think it would be worthy of a bring-back to this forum and a suggestion or recommendation, if we can come to consensus, on how to move forward. I agree.

**The Chair (Mr. Garfield Dunlop):** I think that's something—are you saying yes, you would agree to have that as a topic of discussion?

**Mr. Jeff Leal:** I think it would be a good topic for discussion. I can't tell you today, as I said, exactly what it should look like or what parameters, but to have a discussion—one of the things I always liked about my municipal days is, you had an official plan and then you had the zoning bylaw, which was the regulations to implement the official plan, and there was always a way for everybody to understand what the zoning bylaws were all about to implement that official plan. Since I've been here at Queen's Park for nine years, there's a bit of

a disconnect there some days. If that municipal model is looked at in terms of the—I'd be prepared to look at it. As I said, I can't give you something definitive today.

**The Chair (Mr. Garfield Dunlop):** Bas, have you got any problems with having that as a topic of discussion?

**Mr. Bas Balkissoon:** I don't have a problem with it being a topic of discussion. I could say to Jeff—his comment on the municipal world—I've seen the pendulum swing from one side to the other and back. Again, when you play with these things, you tend to move in the other direction, which is that legislation is written much more stringently, and then when you want to change it because a situation occurs, it takes two years to change it.

**Mr. Jeff Leal:** It lacks flexibility.

**Mr. Bas Balkissoon:** So when you go the other route and you allow the regulations to be more flexible, if there's a crisis out there, you could fix it quickly. So it depends on what the government wants to do. But I've been part of governments where I've seen the pendulum go back and forth, and I think what Mr. Bisson is talking about could force us to move to legislation where it's so tight and so precise that you'd tie your hands to do remedies that you have to do overnight or whatever. It needs a lengthy debate to look at the pros and cons of both sides. I think we need to invite former ministers to tell us their opinion on the process that we have and the process that was in the past, and they'll give you their opinion, because that's the only way you'll make an informed decision.

**Mr. Steve Clark:** If I can add to that: If we had that discussion here, I think personally there would be more of us who would come to this room to have that discussion. There are other members who aren't members of this committee who, I think, would take an interest in what we're doing, if that was the type of discussion we had.

1400

**The Chair (Mr. Garfield Dunlop):** Let's call it a hold-over discussion, to the future.

**Mr. Steve Clark:** Let's have the discussion.

**The Chair (Mr. Garfield Dunlop):** I don't know if you folks are getting it or not as government members, but I tell you, if there's one thing I hear about Queen's Park, it's, "How was that decided?" Then you find out that you never read that in the original legislation, but when the regulations came out, it was much more complex, and nobody here voted on the regulations; it's done by the bureaucracy—

**Mr. Bas Balkissoon:** Maybe we need to hear from the bureaucracy too.

**The Chair (Mr. Garfield Dunlop):** And you kind of feel helpless sometimes because you've passed legislation, and the original intent was taken away. I would really like to see that discussion take place at some point, as part of this committee's review.

Further topics of discussion that people would like to put on for possible standing order changes? The length of the House calendar: Is everybody—

**Mr. Bas Balkissoon:** To me, the House calendar needs to be looked at if we had more work.

**The Chair (Mr. Garfield Dunlop):** Yes. It has been fairly flexible.

**Mr. Bas Balkissoon:** I'll tell you from my perspective, living in the city where the Legislature sits—some people may think it's an advantage—

**Mr. Gilles Bisson:** No, it's hard.

**Mr. Bas Balkissoon:** It's a real disadvantage because you're within reach of everybody, so you end up working seven days a week. I don't know how Jonah feels; he's a new member.

**The Chair (Mr. Garfield Dunlop):** Gilles?

**Mr. Gilles Bisson:** We have different problems. In your case, your constituent expects you to be able to go to an event on a Tuesday night. When you're living in Moosonee or Kapuskasing or Timmins, they don't expect you to be at an event on Tuesday night if the House is sitting. However, we do all work seven days a week.

**Mr. Bas Balkissoon:** And that's why, to me, our calendar needs to be looked at.

**Mr. Gilles Bisson:** Yes. I don't have an argument.

**The Chair (Mr. Garfield Dunlop):** Okay, Gilles, what we—

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** I'm sorry; go ahead.

**Mrs. Donna H. Cansfield:** It is identified, and it's on page 55 of the standing orders what the regulations—the legs and regs. There is a committee that actually does this. So are you suggesting that the committee's mandate has to be reinvented, or are you suggesting that the committee should no longer exist, or—

**The Chair (Mr. Garfield Dunlop):** I think what we're referring to is the—today, when we proclaim a piece of legislation in the House, we make amendments to what's mentioned in the very detailed portions of the bill. When the bill actually comes out with the regulations, which usually go through a website for review, we don't see those. No committee sees the regulations.

**Mrs. Donna H. Cansfield:** Okay, but you could see them. You can go on the Environmental Bill of Rights and pick it out yourself.

**The Chair (Mr. Garfield Dunlop):** Yes, you could do that. What we're saying is: Why do we not have a committee that looks at those?

**Mrs. Donna H. Cansfield:** Again, it gets around to the responsibilities of the ministry, the minister, the ministerial requirements. So if a minister puts through a piece of legislation, it's incumbent upon that minister to develop the regulations, which is really how to put that legislation into practice. You're now suggesting that that's no longer a ministerial function; that it should become a committee function?

**Mr. Gilles Bisson:** Can I delve into this? Just from the perspective that over the centuries of the development of Parliament, it has been a struggle between the crown and Parliament about who has the authority. What we have evolved to is a system where we have complete legis-

lative authority on all laws in the Legislature. The king or queen can no longer come in and say, "I'm going to make a decision"; essentially they're a figurehead. It's up to the Legislature to make the decisions.

Where we're going now is that we're reverting the legislative authority away from the Legislatures and we're now giving it to cabinet, so we're inventing a new kind of kingship. We are devolving our authority as legislators to cabinet to decide whatever.

As we draft laws, and we're doing this increasingly more and more over the years, there are going to be more and more laws on the books that essentially say that everything is left to regulation.

Let's say that down the road you passed a law having to do with, "There should be a referendum on casinos," and you leave it up to the delegated authority, cabinet, to decide. A new government could come in and change the intent of what the Legislature wanted and do whatever.

The question becomes: At which point do we, as legislators, assert our authority? It's not that we are telling cabinet what to do, per se; it's saying that cabinet cannot make laws on their own without going through the Legislature.

**Mrs. Donna H. Cansfield:** Maybe I'll disagree with your synopsis of that. That would be my question more: the legislative process. Are you trying to change that process by having regulations developed by committee, or a committee reviews it before it goes to legs and regs or it gets posted? I don't understand the functionality of what you want.

**Mr. Gilles Bisson:** It would still be cabinet and the actual ministry that writes all the regulation. That never changes. So we write a law and we say, "Today, we're writing a law to change a wall to the colour pink." If there needs to be regulation, it will be up to the ministry to write the regulations.

Currently, what happens, once the regulation is written, is, we only find out about it after it's written and it goes to regulations and private bills and then we can say, "Oh, let me take a look at that particular reg."

**Mrs. Donna H. Cansfield:** So you want to write the regulations.

**Mr. Gilles Bisson:** No; absolutely not.

**Mrs. Donna H. Cansfield:** What do you want to do?

**Mr. Gilles Bisson:** The ability to review regulations before they're approved. There are different ways of doing it.

**Mrs. Donna H. Cansfield:** But there is a legs and regs committee.

**Mr. Gilles Bisson:** But regs only looks at a reg once it has been written. What I'm suggesting is, we may want to look at: Is there is a check and balance—because things have changed and we'll never get them back the way they were—that we can put in that doesn't hamper the ability of government to be nimble and quick but at the same time doesn't completely give away the legislative authority when it comes to regulation?

The Brits had a system that they talked about this summer that says that certain regulations cannot be changed

unless they come back to the Legislature, and those were very few. Most regulations essentially are done and you'd find out after the fact. Or do you go to a model and say that all regulations, prior to being enacted, must go through a regulations committee?

**Mrs. Donna H. Cansfield:** So you still want a committee that would have the authority to oversee and amend and change those regulations? What's the purpose, then, of them coming to the committee?

**Mr. Gilles Bisson:** At the very least, so that we actually know a regulation is being changed. That would be at the very least.

**Mrs. Donna H. Cansfield:** But you could go on the environmental posting and do that anyway.

**Mr. Gilles Bisson:** No.

**The Chair (Mr. Garfield Dunlop):** That would be a holdover issue anyhow. It's not something that we're going to put in the report; it's something that we want to identify as something that—

**Mr. Gilles Bisson:** Donna, at the very least, I think what we want as legislators is if cabinet, whoever the government is, changes a regulation, we don't find out after it's written. We should have some mechanism to find out that it's being changed so that the public or legislators can raise their concerns, and then cabinet can take them into account and do what has to be done. But at this point, there's none of that. That would be at the very least, in my view.

I'm a purist. I believe that we should never delegate our authority blindly to any cabinet to draft regulation. But I'm a purist on that; right? So there are different ways of coming at it.

**The Chair (Mr. Garfield Dunlop):** Other topics of discussion that people would be interested in seeing in the report?

**Mr. Gilles Bisson:** There is delegated authority. The other thing we had talked about was private members' bills. To what degree are we serious about trying to change the process of private members' bills? There was a whole section on: Should we have proclamations treated differently than actual bills?

**Mr. Steve Clark:** Before you were here, we wanted to have a discussion on proclamations. We didn't talk about the other issue as a result of private members' business on whether you have a committee that it goes through or some of those other procedures. So I'd be more than interested to see if there are other PMB issues that you want to talk about.

**Mr. Gilles Bisson:** To be clear, what's going to happen now—we have one more week before this committee no longer has authority to sit. I'm okay. I don't think we need to sit a whole bunch between now and next week; I think we're fine. But what we're going to attempt to do is have this committee continue its work after the Legislature re-strikes the new committees. What I would suggest that we start doing at this point, because we've had some initial conversations at committee, because we've heard from various witnesses, the clerks can do what it is that we've asked them to do today, but I think it's incumbent upon us now at this point to start thinking about

formulating actual suggestions on paper that we can bring back to the committee and start having some concrete discussions about: What do we want to do about delegated authorities? What do we want to do about A, B, C, D or E?

At this point, I'm fine.

**The Chair (Mr. Garfield Dunlop):** Anything from the Liberal caucus members, the government caucus members? Anything you'd like to see discussed further today, as we move forward?

**Mr. Jeff Leal:** I think we've made great progress, Mr. Chair.

**The Chair (Mr. Garfield Dunlop):** I'll turn it over to the clerk right now.

**The Clerk of the Committee (Mr. Trevor Day):** I just want to check. So what I'm hearing is, no need for a meeting next week, but we will be putting out stuff that was asked for: Mr. Leal's chart on sort of where we stand on things.

We will be working on any of the holdover items that require more information; we'll try to get those and get that out to you, just to give everyone a sense of where we are.

So just to be clear, from today I have: accessibility was agreed on; proclamation and bills was a holdover.

On a separate issue, Mr. Clark would like to see if the Clerk can provide information on guidelines on the use of grounds, scheduling flag-raising, stuff like that—from the Clerk, just for information purposes.

We agreed to recommend the merging of question period and routine proceedings. We agreed that the committee would forward the proposed schedules to the House leaders for input without really making any this way or that way.

The committee agreed to recommend—so an agreement—opposition days would be a deferrable vote, the 10-minute bell and the five-minute right of reply.

Parliamentary officers: The committee requires more research. That's number 2, a holdover.

Mr. Bisson will work on some recommendations for committees, and I'd like to extend that to every member of the committee in terms of working on recommendations for what you'd like to see on those areas, not just Mr. Bisson.

And then, delegated legislation, maybe some tinkering with the regulations and private bills committee and other forms, still needs to be discussed, and that's in item number 2.

Under the parliamentary officers committee, there was more information that was requested: how many are there, what are their current mandates, where does it sit in legislation versus standing orders and what they do; the ability of committees to change their mandates without that being in legislation and stuff like that.

**Mrs. Laura Albanese:** My understanding was that Mr. Bisson is putting a recommendation forward in regard to committees, not in regard to everything. Is that correct?

**The Clerk of the Committee (Mr. Trevor Day):** This one says "committees," but I'm saying on—

**Mrs. Laura Albanese:** So that we can bring it back to our caucuses—

**The Clerk of the Committee (Mr. Trevor Day):** Right.

*Interjection.*

**Mrs. Laura Albanese:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** But what Mr. Bisson was discussing at the end, there, is in terms of where we are now as a process. If your caucus has something you feel strongly about, bring it together, just in a recommendation form. That would be fantastic. We can work on the wording, should the committee agree with it.

**Mr. Gilles Bisson:** And just to add, that is not a complete list. There may be things that were missing that we haven't talked about today.

**Mr. Steve Clark:** And I just want to get some indication from House leaders on whether there's any appetite for provisional changes to our House schedule.

**The Clerk of the Committee (Mr. Trevor Day):** Just in case no one heard that from Mr. Clark, he's suggesting that be included in our schedule going forward to House leaders, inquiring as to whether there's an appetite for them possibly being used or a version being used on a provisional basis. Is that okay to add that in the correspondence?

*Interjection.*

**The Chair (Mr. Garfield Dunlop):** Okay, that sounds good.

**Mr. Jeff Leal:** That's 11 things, Mr. Chair.

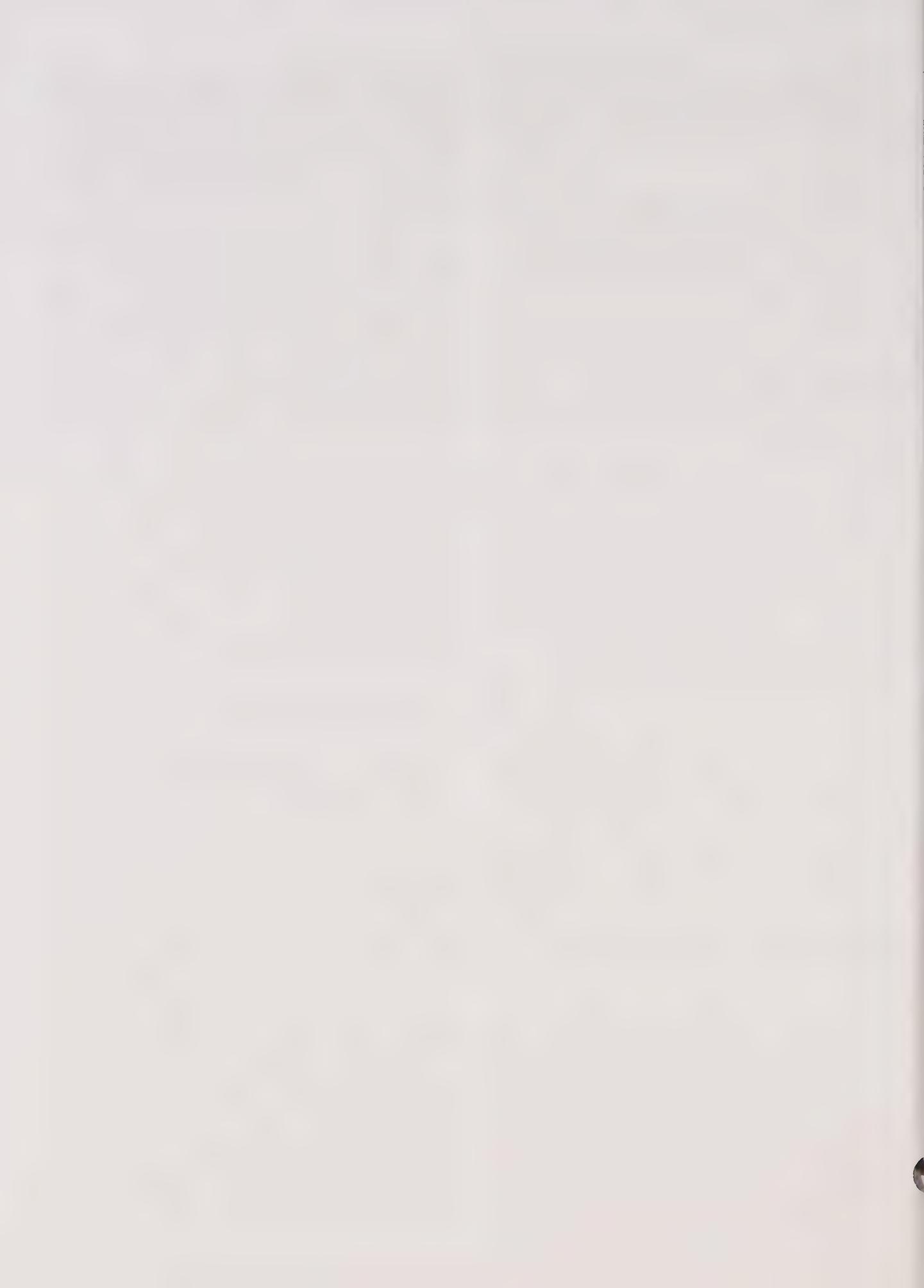
**Mr. Steve Clark:** I'd say it's three things.

**The Chair (Mr. Garfield Dunlop):** We never got to Scotland either or anywhere. We didn't go anywhere.

**Mr. Steve Clark:** I also thought I didn't obstruct Bill 11. So that just shows you; right?

**The Chair (Mr. Garfield Dunlop):** Committee, thank you very much. The meeting is adjourned.

*The committee adjourned at 1413.*





## **CONTENTS**

Wednesday 29 August 2012

Standing orders review .....	M-287
------------------------------	-------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

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